

# **An Odyssey of Reform Initiatives: 1986-2015**

*From Engineering, K-12, and Higher Education to the Environment,  
National Information Infrastructure, and Collegiate Athletics*

**Frank G. Splitt**

The following comment was written for the Drake Group publication “Collegiate Athletics Reform ... It’s a Long and Lonely Journey” commemorating Frank Splitt’s 80<sup>th</sup> birthday in November 2010. I believe my comment applies to all of the areas in this remarkable book, even more so.

*Sometimes it takes an almost complete life to meet people who inspire you. In some inexplicable way my path in life and Dr. Frank Splitt’s path merged. It has taken me a long time to acknowledge the inequity in athletics and academics. When you are so deeply involved on one side of a fence you fail to see the other. When I finally emerged from my cocoon and looked over to the other side of the fence, I knew then that I wanted to get out sword and go after windmills. I wanted to try and make sense of the failure of people to understand that academics and athletics could coincide in college sports.*

*Then came this lightning rod of an individual who had no prior connection to me or to anyone I knew, Dr. Frank Splitt. In his own inimitable way he taught me more than anyone about the other side of the ball in this game. His patience with me and my lack of understanding with him was something that you couldn't take odds on -... two diverse people fighting for the same cause and somehow ending up on the same road for fairness to all.*

*Reading Frank's many articles, being introduced to his numerous friends and contacts showed me the passion he has for this fight for academic integrity and fairness for all. Frank is a reincarnation of Paul Revere; he reaches out to anyone and everyone who will take the time to listen to his logical arguments. Frank Splitt continues to enrich all our lives with his knowledge, wisdom and passion. There is much to be learned from his writings and wisdom. I hope that the people who read this publication will pass it on to others. I also hope that Frank has many more years to dedicate to academic integrity and fairness to all students.*

**John P. (Sonny) Vaccaro**, Lecturer, former sports marketing executive.

*Intercollegiate athletics, as currently practiced by many universities, compromise admissions standards, weaken the curriculum, and threaten other essential academic values. Neither coaches nor athletic directors, nor presidents, nor trustees can bring about real reform without help. Faculty members have the most at stake in upholding academic values; they represent the best hope of achieving genuine progress in making the kinds of changes required. As a result, I warmly endorse the arguments contained in this brief for involving faculty in a campaign for integrity in college sports.* (From his commentary on the 2003 brief, "Reclaiming Academic Primacy in Higher Education.")

—**Derek C. Bok**, the 300<sup>th</sup> Anniversary University Professor and former President, Harvard University

*A Great Brief! I'm staggered at the complexity of the total problem. Frank Splitt does an excellent job of organization and explanation. After reading the entire document, I believe that achieving the stated goals would not only be a boon to colleges and universities in the long run, but would also provide a tremendous, and needed, national challenge to primary and secondary education. The challenge would be to improve the quality of their graduates, and in the process, enable many school districts to emerge from a morass of continued mediocrity. This is a must read for university trustees.* (From his commentary on the 2003 brief, "Reclaiming Academic Primacy in Higher Education.")

—**Stanton R. Cook**, Retired Chairman, Tribune Company, Life Trustee, Northwestern University

*As Splitt concludes, reform will only occur when concerned faculty demand that college sports be mainstreamed into the university and realigned with academic values, and when citizens demand that 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. This sequel joins Splitt's first paper as a must-read for those concerned about the future of higher education in America.* (From the foreword to the 2004 sequel to the brief, "The Faculty-Driven Movement to Reform College Sports")

—**James J. Duderstadt**, President Emeritus, University of Michigan

*How can one begin anywhere except to compliment the author in the strongest and most sincere terms for the time, effort, and insight he brought to the issues in education. As one who shares his interest in the subject, I much appreciate his entry into the arena. Anyone serious about reform should refrain from using the term "student-athlete." Reform will come only when faculty apply to themselves what they so freely demand of others. In other words, reform must begin with truth-telling disclosure. No disclosure; no reform.*

—**Jon L. Ericson**, Ellis & Nelle Levitt Professor emeritus and former Provost at Drake University, and author of *While Faculty Sleep: A Little Book About Big Corruption* (Lulu, 2015).

*I concur with Frank Splitt's views as expressed in this book, specifically, that we need to get priorities right at our nation's schools and that America's education enterprise should be focused on academics not athletics. The only way America will be able to maintain its place as the world's premier economic power is to fully develop the potential of its people. Meeting this challenge will require an education system in which the primacy of achievement and excellence in all spheres of life is absolutely clear. Funding priorities for our extracurricular programs as well as for core academics must be scrutinized, particularly our tendency to fund large sports programs that serve a small number of elite athletes at the expense of broad-based programs in music and the arts.*

—**John R. Gerdy**, former associate commissioner of the Southeastern Conference and author of *Ball or Bands: Football vs. Music as an Educational and Community Investment* (Archway Publishing, 2014).

*I have become acquainted with efforts to propose a seemingly minor but important and timely change to "ABET Engineering Criteria 2000" that would upgrade knowledge of environmental implications of engineering designs. I believe that such a move to foster and integrate environmental considerations BROADLY across engineering education is sorely needed. Essentially all engineering disciplines now play a role in the move toward "dematerialization" of net resource flows (lifecycle design) in providing goods and services.* (From his commentary on the 2002 trilogy "Engineering Education Reform")

—**John H. (Jack) Gibbons**, (former) Assistant to the President for Science and Technology and Director of the White House Office of Science and Technology

*The perspectives in this brief should prove to be of value as "grounding" material for all those taking on the formidable task of driving serious and comprehensive reform in in, intercollegiate athletics requisite to preserving its role in the academic enterprise. It is a valuable contribution to the ongoing debate on reform efforts in higher education ... most worthy of widespread distribution, as well as serious attention and discussion by all those involved, or, that ought to be involved in higher education reform movements.* (From his foreword to the 2003 brief "Reclaiming Academic Primacy in Higher Education")

—**Theodore M. Hesburgh**, C.S.C., President Emeritus, University of Notre Dame

*In my 12 years as editor of a subscription-based news organization with a mission to provide all sides of every issue related to college athletics, I have interacted with hundreds of people who cover a wide spectrum of opinions on the subject. If asked to describe Frank Splitt in two words, I would say “Renaissance Man.” As reflected in his Odyssey of Reform Initiatives, Frank is an idealist in the sense that he advocates for optimum resolution of complex issues. His odyssey reveals a passionate champion of academic and integrity and primacy, as well as transparency and accountability in all of the areas he addresses. Some might disagree with his opinions, but none can deny his perseverance, consistency and the compelling nature of his arguments.*

—**Nick Infante**, Editor College Athletics Clips

*I feel indebted to Frank Splitt for his years of responsible criticism of the impact of commercialism on American higher education. Frank has brought the insights of a thoughtful and highly skilled engineer to bear not only on the problems of engineering education, but on the educational role of athletics. His dogged and perceptive critique has alerted us both to what it is that we need to defend, and who it is that we need to beware. It is hard for me to believe that it is not too late to save intercollegiate athletics as a genuinely academic enterprise, but if we can, it will be because of the efforts of Frank and his allies. I am proud to be among that number.*

—**Stanley N. Katz**, Professor, Woodrow Wilson School, Princeton University

*In 1985, the Institute for Educational Leadership published a very influential report authored by Harold L. Hodgkinson, “All One System: Demographics of Education, Kindergarten through Graduate School.” The report had the broad effect of modifying the perception of American education as a set of discrete institutions serving students at each age level and working in isolation from each other. Hodgkinson argued that, “if people can begin to SEE the educational system as a single entity through which people move, they may begin to behave as if all (levels) of education were related.” This is a vision that clearly informs the work of Frank Splitt in these collected papers. His passionate interest in reforming college athletics and restoring the priority of the academic mission of higher education led him inevitably to a thoughtful and well-informed consideration of related problems currently affecting K-12 education. Students at every level will benefit if his voice is heard.*

—**Michael Mangan**, Education Consultant (retired), Illinois State Board of Education

*The author of these three papers, the trilogy on engineering education reform, offers specific suggestions. In a true missionary spirit, he draws on extensive industrial experience, his participation in the early development of ABET EC 2000, and a substantial immersion in academe to provide his own noteworthy insights and a number of provocative ideas. Whether or not you agree with them, this interesting set of papers should be viewed as a valuable contribution to the literature on engineering education reform. It is worthy of serious attention and discussion by all stakeholders in engineering education. (From her foreword to the 2002 trilogy “Engineering Education Reform”)*

—**Irene Peden**, Professor Emerita, University of Washington

*Changing the ABET engineering criteria to include environmental responsibilities should be enacted immediately. Environmental responsibility should become a core part of all engineering classes. New classes are not needed but current professors need to be educated on how to integrate environmental impact into their classes. Design projects can be geared to this as well, when applicable, which will get students thinking creatively about these issues outside of class. I endorse Frank Splitt's initiative as a positive step towards environmental literacy. (From her commentary on the 2002 trilogy “Engineering Education Reform”)*

—**Manijeh Razeghi**, Walter P Murphy Professor, Director Center for Quantum Devices, Department of Electrical and Computer Engineering, McCormick School of Engineering and Applied Science, Northwestern University.

*Frank Splitt provides the public and academics with a straight-speaking, well-referenced book describing the ways in which universities are compromising their basic academic mission when they fail to adequately monitor sport and its place in their institutions. More important, he sets forth an agenda for faculty, telling them what they can do. Members of the academy should take the time to read the brief to discover what is happening all around them, become engaged, and go on to contribute to the restoration of academics to its rightful primacy in higher education. (From her commentary on the 2003 brief “Reclaiming Academic Primacy in Higher Education”)*

—**Carol Simpson Stern**, Professor and former Dean of the Graduate School, Northwestern University and Past President of the American Association of University Professors

*Frank Splitt set the table for the college reform conversation. I showed up late but intend to add to what he started with my formation of Paper Class, Inc., paperclassinc.com, an organization dedicated to fighting on behalf of student-athletes for a fair and proper education.*

—**Mary Willingham**, Co-author (with Jay M. Smith) of *Cheated: The UNC Scandal, the Education of Athletes, and the Future of Big-time College Sports* (Potomac Books, 2015).

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**Frank G. Splitt**

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Copy editing by Jennifer Heitz, Margaret Mangan, and Kathleen Ricker  
Photo editing by Elizabeth Scott

Printed by Copy Cat, 8626 Hwy 51, Minocqua, Wisconsin 54548 and  
UPS, 119 S. Emerson Avenue, Mount Prospect, Illinois 60056

Because of changing circumstances and the dynamic nature of the Internet, some Web addresses or links contained in this book may have changed since the original publication of the material in this collection and may no longer be valid.

Published by *FutureVectors*, Inc.  
710 S. William Street,  
Mount Prospect, Illinois 60056

The PDF for this book can be accessed at [www.starlake.net](http://www.starlake.net)

ISBN: 978-1-5136-0120-5

*To Judith who brought music to my life*



Frank and Judith Splitt, *Photo by Jennifer Engstad Heitz, 2013.*



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## **THE AUTHOR**

## ACKNOWLEDGEMENTS

My appreciation goes to all those who contributed valuable insights into the development of my lectures, speeches, essays, and commentaries on reform. Here, special thanks go to John Gerdy, Jim Duderstadt, Sol Gittleman, Joe & Jennifer Heitz, Stan Katz, Clara Lovett, Mike & Peg Mangan, Irene Peden, John Prados, Rick & Sue Rothstein, Elizabeth Scott, Carol Simpson Stern, Richard Southall, John (Sonny) Vaccaro, Arthur Welby, and Mary Willingham for their perspectives and help; as well as to the leaders of The Drake Group, Jon Ericson, Linda Bensel-Meyers, David Ridpath, Kadie Otto, Jason Lanter, Allen Sack, and Gerry Gurney – all were helpful as well as encouraging.

Thanks also go to Nick Infante, Zachary Stauffer, and Robert & Amy McCormick for their thoughtful comments; and to Ken Armstrong & Nick Perry, Richard Arum & Josipa Roska, Brian Barsky, Ted Bickert, Taylor Branch, Ken Briggs, Katherine Redmond Brown, John Columbo, Whitfield Diffie, William Dowling, Sue Drum, Sandy Engel, Lyle Feisel, Jim Froula, Neal Gabler, Paul Garrison, Bob Gilbert, Sandy Gillum, Laura Herman, Mike Imren, Susan Knight, Bob Korth, Doug Lederman, Tiffany Lyden, Laura Felda-Marquardt, Karl Martersteck, Steve McComas, Glen McGhee, Anne Neal, Joe Nocera, Chris Nowinski, Mike Oriard, Tom Palaima, Mary Platner, Diane Ravitch, Barry Rozner, Steven Salzberg, Allen Sanderson, Renee Schoof, Bill Sloey, Jay Smith, Murray Sperber, Joe Starinchak, Ellen Staurowsky, Bruce Svare, Rick Telander, Charles Thier, Tim Trick, Nathan Tublitz, Pam Vaccaro, Richard Vedder, Dan Wetzel, Brad Wolverton, Mark Yost, Robert Zemsky, and Andy Zimbalist, for their revelatory books, research articles and/or op-eds on K-12 and higher education, the environment and inland lakes, as well as insights into the National Information Infrastructure, and the netherworld of professionalized collegiate athletics.

I am grateful to Katherine Webster who did a critical literature search and much more to enable the publication of the 2001 “Birge and Juday” paper, to Dean Zerbe, who was especially helpful with communications with members of Congress, to Linda Vanasupa who co-authored papers on environmental education, and to Carolyn Jacobs, Kent Kirkwood, George & Anne Rassas, Matthew Splitt, Pam Vaccaro, and Walter & Linda Splitt who did yeoman service researching related press stories. Deeply appreciated were the supportive efforts of Kathy Ricker and the IEC staff, as well as those of printers Rick Engels and Chris Jans.

The following friends, family, and colleagues were supportive in a variety of ways: Henry Antolak, Chuck & Nancy Atwater, Holly Balk, John Bates, Richard Becker, Wayne Bennett, Shel Berman, John Birge, Joe Bordogna, Kathy Bostrum, Diane Briggs, Gerry Butters, Steve Carr, Cathy Cleland, Orrie Colby, Marty Cooper, Mike Coshun, Jack Damos, Bruce DeMaeyer, Vernon DeWitt, Sheehan Donahue, Jim Errington, Kathy Faber, Margery Frisbie, Bozena Gabzdyl, Vicki Gillett, Sara Gitter, Tom & Louise Gitter, Fred & Mary Gollash, Jim & Vicki Haberle, Abe Haddad, Judy Janowiak, Nancy Jaycox, Sr. Karen Kappel, FSPA, Bill Kashul, Barbara (Splitt) Kummerer, Gerry & Susan Kurth, Ed & Barbara Kyser, Bob Lindquist, Dick & Carol Malmgren, Joe McHugh, Doug McKay, Jim McKelvey, Robert & Peggy McKelvey, Tony Michel, Bob Munsen, Ida Nemeč, John Nowicki, Dick Olson, Katianna Olson, Sr. Dee Peppard, BVM, Laura Pettyjohn, Manijeh Razeghi, Cherie Sanderson, Dwight Sandman, John & Joan Schacht, William Schowalter, Colette Simcox, Frank (III) and Ross Splitt, Ron & Jane Stavoe, Duane & Darlene Stewart, Susan Goodpaster Sullivan, Allen Taflove, Debbie Errington Tennes, Howard Thompson, Kay Vaughan, James Vaughn Jr., Michelle Waters Walsh, Karen Warchol, Julia Weertman, Bruce Wessels, Meg & Derek Wenzelman, Seth Wenzelman,

Sandy Wickman, Mike & Anne White, Chris & Jan Wise, Peter Wrenn, Don & Marge Wood, Sr. Pauline Wittry, FSPA, and Robert D. Young.

I especially want to acknowledge my deceased teachers, colleagues, friends, and family members who had a profound influence on the course of my life and this body of work: Robert E. Beam, William G. Brown, Richard D. Carsello, Jerome Cohen, Stanton Cook, Joseph DeMarco, Raymond & Florence Dvorak, Fred Dreyfus, Ed Ernst, Joe Feuerherd, Donald Frey, Rea Frisbie, Tom Frost, Janis Galejs, Gen. Andrew J. Goodpaster, Angeline (Fabis) Golf, Joseph Hafenschler, George & Emilie Hagen, Carl Heitz, Fr. Ted Hesburgh, CSC, Fr. Ed Hughes, John Jacobs, Gladys James, Robert Janowiak, Donald Jaycox, Arnold Kaplan, Scott Kimball, Thomas Kummerer, Fr. Edward Laramie, Grant Leslie, Fr. Robert Loftus, Mitford Matthews, Bishop William McManus, Roy Merrills, Charles Metz, William Murdock, Mae (Splitt) Meisenkothen, Margaret Wentland Mikos, Art Moeller, Gerald Panec, Joan (Splitt) Panec, John Pappas, Edson R. Peck, Harold Raemer, William Reddy, Sr. Agnes Purcell, BVM, Carmel (DeMarco) Sarro, William Sayle, Sr. Ruth Schiffer, BVM, Arthur J. Schmitt, Arnold Siegert, Theodore Sunko, Jack Terry, Bob & Carol Tucker, Jim Vaughan, Lawrence Von Tersch, Earl Washburn, Robert E. Young, Valerie (Splitt) Zimmerman, and my parents Frank & Marie (DeMarco) Splitt.

Special thanks go to my dear wife Judy for all of her help, but especially for her patience, understanding, and support during my 30-year odyssey on multiple paths of reform.

# FOREWORD

By Dr. John W. Prados

It's difficult to imagine anyone spending most of their retirement years working to catalyze change in contentious areas of education. Frank Splitt's recently published book, *An Odyssey of Reform Initiatives: 1985-2015*, chronicles such an unlikely epic story.

The book consists of 15-parts that form a chronologically arranged collection of the author's speeches, essays, commentaries, letters, book reviews and research papers nearing one-thousand-pages. It's a literal opus not to be read for pleasure, but rather studied for its wealth of information and insights on provocative subjects in education, including reform initiatives and related dynamics. Don't expect to see the book on any best-seller list since its distribution is limited to donations to libraries.

The wide scope of the education related material covered by the author, who holds a doctorate in electrical and computer engineering from Northwestern University, is illustrated in the book's subtitle, *From Engineering, K-12, and Higher Education to the Environment, National Information Infrastructure, and Collegiate Athletics*. His 30-year odyssey of reform initiatives can be characterized by a 1513 quote from Niccolo Machiavelli that he used in the introduction to the book, "...there is nothing more difficult and dangerous, or more doubtful of success, than an attempt to introduce a new order of things."

The reader will find abundant evidence that, no matter the area, working on reform initiatives to "change the order of things" is really not for the faint of heart. Also, to be found is the formidable resistance to change that can come in the form of economic, political, and legal forces that can be mustered to defend the status quo. When coupled with extant greed, corruption, incompetence, deceit, and denial, as well as human nature, the author saw these forces impede significant corrective action in America's education system.

The author's abiding interest in the quality and integrity of education at all levels is evident not only in the book's table of contents, but in his service as a McCormick Faculty Fellow at Northwestern's McCormick School of Engineering and Applied Science as well as a vice president of educational and environmental initiatives at Nortel Networks. Furthermore, his "courageous defense of academic integrity in collegiate athletics" led to The Drake Group's 2006 *Robert Maynard Hutchins Award*—a testament to his ability to transform this interest into corrective action in the form of compelling arguments for change. The many citations of his published papers reflect the persuasive nature of these arguments as, for example, in the University of Michigan's 2008 Millennium Project Report, "Engineering for a Changing World" that cites three of his papers.

Two of the author's early essays, "The New Reality ... A Call for Leadership" and "Creating Our Common Future," (Part 1), set the tone for later writings and speeches. These essays contain reflections on the need for strong leadership for the information age in the areas of the environment, education, energy, and economics. As can be noted in several commentaries, these reflections were put into practice when he served on the inaugural Industry Advisory Council for the Accreditation Board for Engineering and Technology and when he organized and then led the lakes association for the Ballard, Irving, and White Birch chain of lakes in the Star Lake area of Vilas County, Wisconsin in the late 1990s (Part 2) and the Lakes Committee for Plum Lake Township in 2005 (Part 7).

Of special interest are the author's many letters to government officials appealing for assistance in resolving issues in K-12 and higher education that are related to the big-money attempts to commercialize America's education enterprise and to the academic corruption that is rooted in the win-at-any-cost mentality of many school officials. These include, but are not limited, to open letters to President Obama (Part 9) and several letters to Education Secretary Arne Duncan. Notable exceptions to Washington's apparently general rule of not taking action on politically sensitive issues were Congresswoman Jan Schakowsky, by virtue of her 2005 Remarks in the *Congressional Record* concerning the author's work on reform (Part 5), and Dean Zerbe, a former lead tax attorney for the Senate Finance Committee, who encouraged the author to comment on the

Revision to the IRS Form 990, affecting nonprofits, particularly with respect to the tax-exempt status of the NCAA, (Part 7).

The author calls the attention of research-minded readers to commentaries on his papers by others. For example, these can be found in the trilogy “Engineering Education Reform” (Part 3), the brief “Reclaiming Academic Primacy in Higher Education” (Part 4), “Collegiate Athletics Reform . . . It’s a Long and Lonely Journey” (Part 10), and in the Forewords by Timothy Kratz, Senior Scientist and Director of the University of Wisconsin’s Trout Lake Station, Irene Peden, Professor Emerita, University of Washington, Theodore Hesburgh, President Emeritus of Notre Dame University, and James Duderstadt, President Emeritus, University of Michigan, as well as in Afterwords by Jon Ericson, former Provost, Drake University, and Clara Lovett, President Emerita, Northern Arizona University.

The attention getting dedications that appear in a number of essays were in memory of men who had an important connection with the author, namely: Dr. Thomas Frost, Mr. Arthur J. Schmitt, Fr. Theodore Hesburgh, Gen. Andrew J. Goodpaster, and Mr. Joseph Feurherd.

In several of his essays, the author concludes that true reform cannot occur without truth telling (disclosure), accountability, and enforcement of reform measures, as well as when concerned parties demand that sports, music, and arts programs are aligned with academic values in all of our nation’s schools, and when citizens demand that public bodies such as governing boards, local, state, and federal governments cease the special treatment that shields athletics from the rules that govern the rest of education.

The *Odyssey* is destined to be a valuable reference for all those who have serious concerns about the future of education in America, and, as such, it would be a most worthy addition to public and university libraries.

John W. Prados

February 5, 2016

Dr. John W. Prados is Vice President Emeritus and University Professor, University of Tennessee, former president, Accreditation Board for Engineering and Technology (ABET), and the editor of *ABET’s 75<sup>th</sup> Anniversary Retrospective: A Proud Legacy of Quality Assurance in the Preparation of Technical Professionals*.



# FOREWORD

By Dr. B, David Ridpath

I believe that by writing this foreword I am doing a service to readers who are interested in the business and governance of intercollegiate athletics, but first, truth in ‘advertising’: the author, Frank Splitt, is a friend and colleague who I personally admire.

The reform initiatives of the author, a former McCormick Faculty Fellow at Northwestern University’s McCormick School of Engineering and Applied Science and an emeritus vice president of educational and environmental initiatives at Nortel Networks, have mostly been behind the scenes. Nevertheless, I can attest to the fact that his initiatives have hardly gone unnoticed and have had widespread impact as well.

An anthology of the author’s writings on engineering education, intercollegiate athletics reform and many other important issues can be found in his recently published book, *An Odyssey of Reform Initiatives: 1985-2015: From Engineering, K-12, and Higher Education to the Environment, National Information Infrastructure, and Collegiate Athletics*. The *Odyssey* covers many areas that are far removed from my area of expertise. For example, little did I know that America’s inland lakes are threatened and their usage need of a fair amount of reform; the author makes a very compelling case that they do. I consider Split’s *Odyssey* to be must read for anyone interested in bettering and changing current systems and ways of doing things.

The bulk of the *Odyssey* covers both my passion and my research efforts – intercollegiate athletics reform. It is what I will focus on in this review. Splitt, at 85 years of age and long retired, has spent the past thirteen years addressing issues surrounding big-time of intercollegiate athletics and the urgent need for reform. Largely through the platform of The Drake Group he has completely and articulately exposed the NCAA facade of amateurism and its deceptively inadequate governance. Make no mistake, his writings are not rants. He presents comprehensive and achievable solutions as a means to an end.

Beginning in 2003, Splitt turned his attention from engineering education reform when he recognized that big-time college sports were becoming a major issue in higher education. He began researching and addressing related issues such as compromised academic integrity, performance enhancing drugs, violent athletes, exorbitant time demands on athletes, and concussions. He mostly centered on moving major college sports back to their intended purpose of being an integral part of higher education and not an isolated professionalized business far removed from the academic missions of colleges and universities.

Splitt’s first major work on college sports reform was a brief, *Reclaiming Academic Primacy in Higher Education: Working for Reform in Intercollegiate Athletics and Engineering Education*, that was published in December 2003. The late Fr. Theodore Hesburgh, the renowned former president of Notre Dame, penned the foreword to this brief that was significant in the early reform efforts of The Drake Group. As a matter of fact, I referenced the brief in my testimony at a 2004 congressional hearing on collegiate athletics.

As can be seen from his many commentaries, the author’s persistent personal efforts to get important reform issues publicized and to push back against the powerful forces of vested interests that want to preserve the highly profitable status quo in college sports at the expense of academic integrity and unpaid professionalized college athletes.

The impact of his work can be found in many of the high profile college athletic reform issues of the past decade. For example, his writings were used as a major source of information when then House Ways and Means Committee Chairman, Bill Thomas (R-California) queried the NCAA to justify their tax exempt status in October 2006. Much to its chagrin, the NCAA had to witness a retired engineer living near Chicago and a group of upstart reformers jump start this important conversation with the U.S. Congress.

Many of the commentaries that appear in the *Odyssey* have been used as background material in the O’Bannon v. NCAA case and are a consistent source of empirical information and sources for college sports reform groups like TDG, the Coalition on Intercollegiate Athletics, National Collegiate Players Association, and the College Sports Research Institute. While these groups have varying views on how to reform college sports, there is a degree of

commonality – the author’s work has been a common source of information for all to use in amicus briefs, empirical research, white papers, and press releases.

The author’s efforts were honored when he received the prestigious *Robert Maynard Hutchins Award* in 2006. The award, presented yearly by The Drake Group is given to faculty or staff members who take a courageous stand to defend academic integrity at their institutions, often risking job security in doing so. Hutchins was the President of the University of Chicago from 1929 to 1951, where he defended the liberal arts, and opposed the rampant commercialization of college football which, in his view, undermined the core values of higher learning.

The Drake Group members are inspired by Hutchins’ commitment to academic freedom, and know that Hutchins would have shared our concern that critics of commercial college sport have sometimes been targets of direct or indirect pressure for merely upholding basic academic principles.” A part of The Drake Group mission is to come to the defense of such people. In Frank Splitt’s case this became a reality when Northwestern University removed his faculty fellow designation in 2005 as a result of internal and external pressure from those concerned over his truth-telling publications on the state of college athletics and academic primacy. The tipping point was his letter in the October 5, 2005 issue of *The Wall Street Journal* headlined “Who will take on the biggest man on campus.”

The author followed up his first brief later in 2004 with *The Faculty Driven Movement to Reform Big-Time College Sports* with a foreword by Dr. James Duderstadt, emeritus president of the University of Michigan, and an afterword by Jon Ericson, former provost at Drake University and author of the 2015 book *While Faculty Sleep: A little book on big corruption*. This brief prompted many scholars, former athletes, coaches, and administrators to jump aboard the reform movement—requesting further government intervention into college sports and its commitment to academic integrity. These efforts have been a large contributor to legislation currently moving through congress requesting the establishment of a Presidential Commission to review college sports, much like a commission did regarding the Olympics and amateur sports back in the 70’s during the Ford administration.

The very existence of Splitt’s *Odyssey of Reform Initiatives* will exert indirect pressure on government, NCAA, and university officials to do better than they have been doing. As retired Sport Management Professor from the University of New Haven, Dr. Allen Sack wrote in 2010, "Frank Splitt’s frustration with Washington, and especially with the once prestigious Knight Foundation Commission on Intercollegiate Athletics, is palpable. Yet he pushes on while others, including President Obama and Education Secretary Duncan remain asleep at the switch." In the introduction to his book Splitt wrote: “Unfortunately, government officials, university presidents and trustees, along with many others who should be awake at the switch are willfully asleep. To try to wake them is to jolt them into a reality they just don’t want to face.”

The 15-part *Odyssey* contains speeches, essays, commentaries, letters, book reviews and research papers. It provides a wealth of information for anyone looking for empirical sources, data, and discussion on issues in college sports, specifically the diminishment, if not the loss of academic integrity. Currently, its distribution is limited to donations to libraries but much of the author’s outstanding work can be found on The Drake Group and College Athletics Clips websites. If you are interested in college sports as a fan, faculty member, researcher, I highly recommend the *Odyssey* as a way to educate yourself on the reform efforts covered by the author and to see how far we have come in forever changing the scope of college athletics today and in the future.

If any significant changes do happen in college sports, do not be surprised to find that it was a retiree near Chicago that really helped move the needle of reform.

B. David Ridpath

February 25, 2016

Dr. Ridpath is the Kahandas Nandola Professor of Sports Business at Ohio University’s College of Business, a Faculty Fellow at the *Center for College Affordability and Productivity*, an adjunct faculty member at the *Universtat of Bayreuth, Germany*, and author of *Tainted Glory: Marshall University, the NCAA, and One Man’s Fight for Justice*.

## INTRODUCTION

*...there is nothing more difficult and dangerous, or more doubtful of success, than an attempt to introduce a new order of things...* –**Niccolo Machiavelli**, 1513

Over the years, several readers of my essays and commentaries as well as friends and family members have asked, “Why don’t you write a book?” Telephone conversations with John Gerdy, author of *Ball or Bands*, and an April visit to my home in Mt. Prospect, Illinois by Mary Willingham, co-author of *Cheated*, were truly inspirational....inspirational to the extent that I began to give serious consideration to writing a book based on my various reform initiatives—a collection of selected writings and speeches going back to 1986. The following collection of published works is my book.

Selecting and assembling the pieces for a collection that spans thirty years of writing and speaking about hot-button issues while working to introduce “a new order of things” was akin to taking a long trip back in time. It rekindled fond memories of friends and colleagues who provided motivation, guidance, and support along the way. Also rekindled were not so fond memories of the formidable challenges to change and the deceptive tactics used by defenders of the status quo.

As denoted in the title, the commentaries cover reform initiatives related to Engineering Education, K-12 & Higher Education, National Information Infrastructure, the Environment, and Collegiate Athletics that are chronologically ordered in the Table of Contents. The Table is divided into 15 parts separated by a blue-colored page listing the contents of the Part. The first part covers the period from 1986 to 1994 and sets the tone for the remaining parts.

Reference to the Table of Contents will show that the early commentaries were focused on Engineering Education reform initiatives, but this focus soon expanded to include the National Information Infrastructure initiative and global as well as local environmental concerns and the fate of our inland lakes. Early in 2003 the focus turned to collegiate athletics reform and its negative impact on our nation’s education system at all levels – a major focus thereafter.

As a consequence of this focus and the work of Sonny Vaccaro, Ramogi Huma, Kain Coulter, as well as the courage of whistleblowers Jay Smith and Mary Willingham, the amateur model of intercollegiate athletics touted by the National Collegiate Athletic Association (NCAA) cartel (the NCAA and its member colleges and universities) is under a multiplicity of powerful assaults that include several legal challenges and the unionization effort by football players at Northwestern University.

Today it cannot be denied that “the sand is shifting under the feet of the NCAA,” as Andy Zimbalist, an economics professor at Smith College, recently observed. However, paraphrasing Machiavelli: There is *nothing more difficult and dangerous, or more doubtful of success, than an attempt to introduce a new order of things* in big-time, money-laden, politically-protected, collegiate athletics.

For example, the NCAA cartel finds itself in the best of all defensive positions. As reported in the *Wall Street Journal*: “Mr. Schapiro, Northwestern’s president, has said the university would appeal a loss in federal court and take the case to the Supreme Court if necessary ,” [“Ruling Expected on College Athlete's' Union Bid,” U.S. News, July 31].

How fortuitous for the cartel that it has world-class Northwestern University, most likely the least corrupt of NCAA schools supporting big-time football and men's basketball programs, doing its dirty work. Northwestern has been front and center defending the cartel's money-driven exploitation of college athletes as well as its corrupting influence on the academic integrity of many of its member schools that support big-time sports programs, cf. my review of Jay Smith's and Mary Willingham's book "*Cheated: A . Tale of Profit at the Expense of Academic Integrity*," Part 15-3.

As reformers must know, it's all about money along with its awesome power to influence events. Money certainly makes strange bedfellows. Unfortunately, government officials, university presidents and trustees, along with many others who should be awake at the switch are willfully asleep. To try to wake them is to jolt them into a reality they just don't want to face.

The reader can obtain a fairly good sense of the major milestones on the odyssey by taking a quick look at the commentaries with bold-faced titles in the Table of Contents.

The research-minded reader's attention is called to the perspectives and insights of others that can be found in several of the commentaries. Notable are Forewords by Jim Duderstadt, Irene Peden, Fr. Ted Hesburgh, Timothy Kratz, and Allen Sack, as well as Afterwords by Jon Ericson and Clara Lovett.

Thoughtful comments on select commentaries by Linda Bensel-Meyers, Derek C. Bok, Stanton R. Cook, Devra Lee Davis, William C. Friday, John Gerdy, Bob Gilbert, Russ Grundy, Nick Infante, Stanley N. Katz, Carol Simpson Stern, John W. Prados, John Walda, William Wulf, and Sonny Vaccaro among others offer additional insights.

It is my hope that the book will be studied to not only contribute to the ongoing process of knowledge creation and dissemination, but also to gain insights into the difficulties associated with changing the order of things.

In the end, I found Machiavelli to be dead right— working on reform initiatives, no matter what the area, is really not for the faint of heart. The formidable resistance to change demands no less than a formidable and coordinated response as well as able and respected leadership.

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University  
Evanston, Illinois

February 20, 2016

## ESSAYS & COMMENTARIES: 1986-1994

1. Too Few Generalists: A Problem for Engineering Education
2. The Industrial Needs of the Engineer in the 21st Century
3. The New Reality ... A Call for Leadership
4. Creating Our Common Future: Reflections on the Four Es
5. The U.S. Information Industry – Creating the 21st Century
6. Viewpoint NU McCormick School Tech Partners Update
7. The U.S. Information Industry – Creating 21st Century Infrastructure



# Too Few Generalists: A Problem for Engineering Education

Dr. Frank G. Splitt

Vice President, Technology  
Cook Electric Division  
Northern Telecom Inc.

Good evening.

Serving as the Chairman of the 1986 National Communications Forum has proved to be an incredibly rewarding experience. I'm grateful for the honor, for the friendships that I have made, for the support from my employer, Northern Telecom, and from the NCF staff; in particular, our Executive Director, Bob Janowiak.

The title of my talk this evening is *Too Few Generalists: A Problem for Engineering Education*. When it comes to engineering education, Northern Telecom as a corporation, and I as an individual are impassioned supporters. Engineers form the vital core of our business -- its backbone. Our engineers are every bit as crucial to our success as accountants are to Touche Ross, doctors to the Mayo Clinic and lawyers to our quasi-deregulated post-divestiture telecommunications industry.

Of Northern Telecom's 47,000 employees worldwide, engineers represent almost 10 percent of that population. Since January 1985, we have hired almost 500 engineers in the U.S. alone. On a personal note, I and most of Northern Telecom's executives and senior managers were trained as engineers. Our president, executive vice-president in charge of marketing and many other vice presidents have engineering backgrounds.

In preparing for this talk, I polled some of my associates about their views on engineering education. I would like to highlight some of their comments. This will set the stage for my own views on engineering education. Let's begin with Desmond Hudson, President of Northern Telecom Inc., who said, "My concern is for the students who come out of school suitably versed in mathematics, physics and the sciences, but lacking an appreciation for literature, history and philosophy. The view they have is that modern technology is a collection of components rather than an integral part of our society, our culture, our business environment."

John Roth, our Executive Vice President, Product Line Management, stated his concern that, and here I quote, "...engineers that are too narrow. Just a few of the engineers we hire will make the real inventive breakthroughs; most will spend their careers trying to make the concept into a profitable product. We use engineers to add value and remove cost. Good engineers will be those who really understand the business. Not just manufacturing, but installation, application and customer training." John went on to say, "The engineer must also have communication skills. Too many of our new recruits cannot convey their ideas in a clear, convincing manner, and we often 'do not hear' many good ideas."

Dr. Donald Chisholm, who recently retired as executive vice-president of technology for Northern Telecom Limited, said, "In hiring a fair number of students, mainly engineering, I have two major complaints. The first is attitude and the second is breadth. I suspect that they are, in part, related. In its extreme form, the attitude comes out that business is dirty. These views are far less virulent than they were 10 years ago, but they are still there. On breadth, my problem is that the graduates know physics and electronics very well, but there are voids on why and

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*This address was given on September 28, 1986, at the 1986 National Communications Forum. The occasion was the Reception Dinner for National Engineering Consortium University Faculty grant recipients, student interns, and industry executives.*

what is important. A real engineer has to focus, select, and simplify to get market answers. It just cannot be done without knowing about the world we live in and what makes it tick."

There were others remarks, but I think these give you a sampling of the substance. The recurrent theme I hear, and one that I support, is that we need more graduates who have a broad view of life and business, the "big picture" if you will. It is my view that the need for leadership in the information age will best be served by such generalists.

Some of our universities show strong tendencies toward specialization with a concurrent dominating focus on research that needs to be balanced and modified. We need to shift away from the trend toward simply collecting more and more specialized information. In turn, we need to emphasize the evaluation of more broadly based knowledge and its implications to the needs of our society. We also need to reemphasize the value of teaching and role modeling by our university professors.

Before I get too far along with this theme, I must, of course, admit that we will always need technical specialists. They are vital in certain areas of our industry. My concern is that we seem to be losing the generalists along the way. My concern is that our future engineers are getting too caught up in the parts when the need to be looking at the integrated whole. Engineers need to be less concerned with components and more involved with understanding the interrelationship between hard technological systems and soft non-technical "systems" because that is how the world is evolving. They need to be brought to better balance, to a more holistic view of their profession and their potential for leadership in our high-tech information dependent society.

The drift toward an ever more technical and specialized undergraduate curriculum is understandable for the short term even if it's somewhat misguided for the long term. Engineers normally will not spend their lifetimes solving purely technical problems. Most engineering problems span a wide range of both technical and non-technical areas. The non-technical include environmental, political, economic, social, regulatory and corporate factors that are usually interrelated in a complex fashion.

In my experience, I've seen too many engineering graduates take a long time to become productive. Why might this be? I believe it is simply because they have not been trained to develop solutions involving multiple disciplines. Creating appropriate, pragmatic solutions from multiple inputs and under multiple constraints is a skill that needs to be developed in our engineering students.

The first step is one of awareness and appreciation of non-technical areas. That is why I believe technical training must be combined with a broad general education.

It is my view that in order to make a truly worthwhile contribution, engineers need the vision to appreciate what is possible, as well as command of the techniques that can lead to the realization of that vision. For example, the viability of an engineer's vision as to what is possible is vitally dependent on economics ... on a real appreciation for the constraints of time and money, not only in managing an engineering project, but also with the relationship economics to newly proposed products, processes or systems.

However, most of all, the years in school should be a time for learning how to learn...how to be evergreen. We need to develop people who know how to think, how to perceive implications, how to develop relationships and connections ...how to reason. Besides, even if we wanted to, it is unrealistic to expect to give a complete technical education in eight semesters, or even ten. That knowledge becomes outdated too soon.

I believe it's more important to lay a solid foundation at the university level, a foundation in fundamentals on which engineers can build for the rest of their lives and to which they can return as specific technologies change. The study of specialized subjects at the undergraduate and graduate level should focus not only on understanding that specific technology, but on developing a continuing ability to adapt to change and to the rapid acquisition of new technologies as they evolve.

Most companies recognize that the technical education of an engineer necessarily is a lifelong process. Northern Telecom, for example, spent roughly \$50 million in 1985 on in-house and external training, of which almost three-fourths went to technical education for engineers and other employees. That is where the specialists get educated and stay up-to-date.



As of now, a typical undergraduate curriculum at a state university is likely to require only eight non-technical electives for four years of study. That is essentially one course per semester. Does this really leave enough time for the aspiring engineer to explore economics, literature, history, psychology, foreign languages, or business administration? I do not think so. I would like to suggest some areas of emphasis and change in order to broaden the general knowledge of engineers. Here's my "wish list" of courses that give solid foundations on which students can build:

More courses and opportunities to improve writing and speaking skills. Crisp, effective communication skills are a must. These skills strengthen thinking abilities because in order to write clearly one must think clearly. This, in tandem with something to say, is fundamental to leadership and a key success factor in the engineering profession.

I would like to see more courses in the arts and humanities. For example, knowledge of other languages and cultures is a definite asset now that Marshal McLuhan's global village has become a global workshop. I believe it will be up to the universities and their faculty to emphasize such courses because students are not prone to do it on their own. I remember how I tended to steer clear of arts and humanities classes during my first two years in college because I did not think they were really important to a technologist.

We also need more courses that develop managerial and business skills. It is estimated that two-thirds of all engineering graduates eventually will occupy supervisory, management or executive positions. For example, in my job as Vice President of Technology, I not only have to manage the development of economically viable hardware and software based systems, but budget and planning functions as well.

Already many students aware of job market needs are taking administrative studies as electives. Why not bring the essentials of this crucial body of knowledge into the curriculum?

Also on my "wish list" is a call for continued if not more emphasis on building rock solid foundations in mathematics, physics, chemistry and economics. I consider the study of probability and statistics to be a must if our engineers are to be comfortable with this world of non-deterministic phenomena, issues and problems. It is my view that engineering students need to develop, almost as a sixth sense, an appreciation for time and money constraints throughout their learning process.

Where physical location permits, I would encourage evening-school graduate programs that allow students to attend school while working during the daytime. Oftentimes, evening students have been viewed as second-class citizens. In reality, they are likely to be students who could not afford to attend full time. They could even be students who have found a formula for a balanced Engineering Education that is just right for them.

Additionally, it is my view that our university engineering departments and colleges are faced with a challenge as their course delivery systems reach higher levels of sophisticated automation and human sterility. The challenge is to provide improved vehicles for faculty role modeling and interworking with students to enhance the development of the student's soft, people-related skills.

Now, what can we in industry do to help the university system produce highly qualified and balanced engineering graduates? Here are some thoughts:

*Participate in Joint Discussions:* Continuing dialogue should be established between industry leaders and area university faculty leaders. This dialogue should cover mutual problems and issues as well as provide the basis for the formulation of solutions and the building of relationships. One such vehicle would be University Engineering Advisory Board meetings. Our National Engineering Consortium dinner for electrical and computer engineering department heads from Midwestern Universities would also be a representative vehicle. The following questions were used by a panel of university and industry speakers at a recent meeting:

1. What does the telecommunications industry expect of newly hired electrical and computer engineers?
2. What would industry-like universities do to teach students in addition to the usual electrical and computer engineering curriculum?

The participants addressed the questions with vigor. And perhaps more important and significant than the responses was the dialogue and relationships that were established between our industry and university leaders.

*Provide Summer Employment:* Summer employment for students obviously provides an opportunity for a diversified view, expansion of their technology base and an introduction to real world economic and social factors. I strongly encourage and endorse school intern programs. I have been involved with the National Engineering Consortium industry internship program since its inception and have watched as it has grown both in numbers and in stature. This program is now two years old and served approximately 70 students in the first year and 140 in its second. More than 40 corporate sponsors participate by providing challenging summer work opportunities for some of our brightest university students.

Many of you here have benefited from this program. We have at Northern Telecom, and so would like to see even more people and companies involved in this area of industry/university interaction ... interaction that's aimed at enhancing the important aspect of on-the-job engineering student development ... or, better yet, in the development of a vital national resource.

*Sponsor Joint and/or Affiliated Research:* Industry related research projects conducted by university faculty and students can be used as vehicles to help broaden the scope of engineering education. The different perspective of the researchers can also provide solutions to new problems or more appropriate solutions to old problems.

I suspect some, if not most, of you have heard the argument that contract engineering by colleges takes work away from engineering in private industry. I strongly disagree with this viewpoint. I see, instead, that corporate support of educational research and development only improves both arenas. The contracts work to strengthen an academic base that could potentially deteriorate without them, and they allow vital research to take place

The industry/university partnership is in the best interests of both parties. It is my view that this partnership needs to be exploited to maximum advantage if we in America are to be successful global competitors.

*Provide Guest Lectures:* Guest lectures can be given to engineering classes, campus student engineering groups as well as to appropriate faculty and students at local junior colleges and high schools. Subject matter could range from current developments in technology to professional issues. The objective here would be to instill or reinforce values and to foster awareness of engineering ethics and professional responsibilities. My personal experience with the Chicago Technical Society's *Operation Interface* was indeed rewarding. I can vividly remember the excitement evoked during the academic year of 1965-66, when high school mathematics and science teachers first heard about the oncoming digital communications revolution that had its basis in mathematics that they could relate to their students.

*Sponsor Faculty Enrichment Programs:* Student engineers can take the right courses and work as co-ops or as summer interns but in the long view it's the university faculty that plays a dominant role in determining the students' educational environment and value formation.

It is vital for faculty members to have a close view and interaction with various aspects of our industry. One such avenue is the NEC's University Faculty Grant program that was originally supported by the Arthur J. Schmitt Foundation but is now supported by a number of corporations as well.

We, in industry, also have our challenges. We need to position ourselves to work closer with our universities, to respond to their initiatives through advisory boards, affiliations, consortiums and the like. I see universities revectoring their strategic planning and tactics to take better aim at the compelling need to enhance their interaction with industry. We need to be there not just with funding and equipment, but with ideas and advice as well. We, in the business community, need to affirm and continue to reaffirm our commitment to higher education.

So far, I have talked about what universities could possibly do to create curricula that are more effective

and what industry could do to help the universities. Now I want to talk to you students, because universities and industry cannot and should not be expected to carry the burden by themselves.

I have found that the life of an engineer is one in which the learning process never stops. As I mentioned earlier, many companies realize this and provide for continuing education in technology. But, beyond that, it will be up to you to determine for yourself how best to develop your own educational process.

I encourage you to pursue graduate studies at the Masters or Doctoral level if you can. From my own experience at Northwestern's Technological Institute, I know that each year of study increased my ability to think more clearly. My graduate training helped develop my capability to formulate as well as solve problems, and it gave me extensive practice in doing so.

Moreover, graduate training helped me develop the self-discipline and self-confidence necessary to carry on, as well as direct research in previously unexplored fields. To some, these results may seem to be only secondary to technical knowledge gained, but to me, they were primary; they were actually the essence of my education. It is my firm conviction that had I not engaged in a graduate program, my ability to contribute to the success of my company's work would have been considerably reduced. That is why I encourage such study for you. In the context of my remarks this evening, I would challenge you to broaden your horizons; not to limit your adult studies to technology, but to religious, philosophical and social issues as well. Get involved with social, civic and church activities. I guarantee you will reap many benefits from each new discipline of thought you enter and from the relationships you develop. I know that you will be taking an essential step toward industry leadership.

Obviously, the suggestions and proposals I have made this evening result from my own experiences and education. However, I'd like to recognize one person who had a profound influence on my thinking, career and direction in my life, the late Arthur J. Schmitt. He was the inventive industrialist who founded the Amphenol Corporation in 1932 and the philanthropist who founded the Arthur J. Schmitt Foundation in 1941.

As I mentioned previously, the Schmitt Foundation provides support for our NEC University Faculty Program as it has for the past 16 years. Arthur J. Schmitt was the educational innovator who founded the Fournier Institute of Technology, my alma mater ...and so he was also my personal benefactor. Arthur J. Schmitt's quest was for leadership. His aim was to provide effective industrial leadership via electrical engineers skilled not only in their profession, but in business administration and communications as well. His vehicle was education.

Arthur J. Schmitt often paid tribute to America's engineering genius and cited the importance of engineers in America's future. He believed there was no field with richer rewards, none more intriguing and none more important to the growth and defense of our nation. I would like to close with a statement he made at the opening of the fall term of the Fournier Institute of Technology on September 26, 1946:

"During the years to come, our students will be educated not only in electrical engineering, but also in economics, civics, business administration and accounting, giving a business executive the perspective needed for his administrative duties. By no means least, throughout the student's entire stay, the manner and methods of self-expression will be taught and projected to the end that he not only will be a good speaker and writer, but will know what he is speaking and writing about. The ultimate goal is industrial leadership, and the leader who is inarticulate, who has the ideas but cannot express them, is not serving this purpose."

Indeed, I consider it most fitting to take the opportunity provided by this occasion, to pay personal tribute to this man of vision whose statement of 40 years ago summarizes a good part of the message I want to leave with you this evening.

*Frank G. Splitt*



The author seen accepting the gavel signifying the chairmanship of the *1986 National Communications Forum* from Robert M. Janowiak, Executive Director of the National Engineering Consortium, 1986.

PROCEEDINGS  
OF THE  
NATIONAL COMMUNICATIONS FORUM  
VOLUME XXXX  
BOOK I

RAMADA HOTEL O'HARE  
SHERATON INTERNATIONAL O'HARE  
ROSEMONT, ILLINOIS  
SEPTEMBER 29, 30 and OCTOBER 1  
1986

NCF86 GENERAL CHAIRMAN

Frank G. Splitt  
Vice President - Technology  
Cook Electric Division  
Northern Telecom, Inc.

The 1986 National Communications Forum is sponsored by the National Engineering Consortium, Inc., a nonprofit corporation affiliated with 16 major universities. NCF86 is cosponsored by the United States Telephone Association and the International Communications Association. USTA represents independent and Bell Operating Companies in a broad range of activities and services. ICA has memberships of telecommunications professions from leading corporations and provides educational and advisory services.



MESSAGE FROM THE CHAIRMAN OF NCF86

I am pleased to invite you to the most extensive educational meeting in telecommunications - the 1986 National Communications Forum. A total of 100 half day seminars highlight the record educational program.

You will learn from experts and have ample opportunity to meet them. NCF86 will bring together user organizations, manufacturers, telcos, interexchange carriers, consultants, and professors. Key executives, managers, and professionals will attend. Approximately 500 industry and university experts will be speakers. The blend of manufacturers, local exchange carriers, interexchange carriers and corporate users of telecommunications makes NCF a unique meeting for over 3000 participants.

NCF86 has an extremely rich educational program. The latest ideas in networks, switching, lightwave, cellular, regulation, marketing, sales, business, design and technology will be presented.

Organizing a conference of this size depends on the dedicated efforts of many people. I want to express my appreciation to all those individuals who have so willingly contributed their time and talents to develop and present the 1986 National Communications Forum.

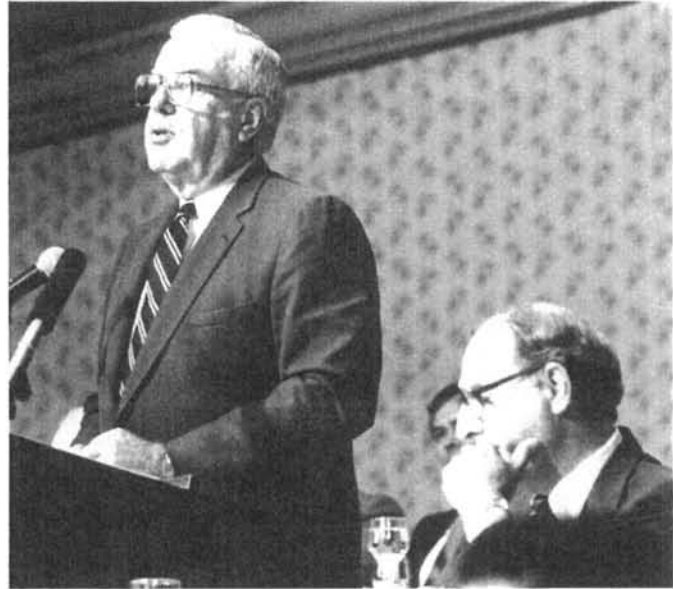
Frank G. Splitt - Chairman, NCF86  
Vice President - Technology  
Cook Electric Division  
Northern Telecom, Inc.

# Dr. Frank Splitt Heads NCF '86

For three rain soaked days at the end of September, Dr. Frank Splitt, Vice President Technology, chaired the National Communication Forum (NCF) '86; the world's largest telecommunications technical meeting. More than 4,000 engineers and technical marketing people overflowed two Rosemont Hotels while attending 100 technical seminars. These seminars were mini-courses in a wide range of topics including: Telecommunications Company Operations; Telecommunications Users; Product Realization/ New Technology; Digital Switching Systems; Lightwave; Cellular and Radio Communications; Business & Marketing; and Telecommunications Networks.

In addition to the over 55 Cook Electric Division management, technical and marketing personnel present, hundreds of other NT and BNR employees also attended. The most notable of these was Edmund B. Fitzgerald, Chairman and Chief Executive Officer of Northern Telecom Ltd., who gave the keynote address at the Monday night banquet to over 2,000 people. The address was broadcast over closed

**Edmund B. Fitzgerald, Chairman and Chief Executive Officer of Northern Telecom, Ltd., addresses participants at the NCF conference.**



circuit television to various locations throughout the hotel in order to accommodate those who could not fit into the main ballroom.

On the following night, Dr. Splitt spoke to 108 National Electronics Conference (NEC) faculty grant recipients, 140 1986 NEC interns, 32 outstanding university seniors and 150 NCF '86 speakers on the subject of "Too Few Generalists: A Prob-

lem for Engineering Education." The speech was very well received.

As part of its commitment to Engineering Education, NTI has contributed \$20,000 to the NEC faculty grant program which helped defray the expense of having 108 university faculty members attend the conference.

*by Jim Hanlon  
and Howard L. Wolfman*

An excerpt from the September-October, 1986 issue of *The Local Loop*, a publication of the Cook Electric Division of Northern Telecom.

# NU Center Receives Microelectronic Gift

Northwestern University's Center for Integrated Microelectronic Systems received a \$25,000 check in February from Cook Electric Division to do research in microelectronics. The gift was funded by Northern Telecom's University Interactions Program which is a corporate-wide program dedicated to improving relations with key universities.

The center includes 22 faculty members from four departments in the Technological Institute: physics, chemistry, materials science, and electrical engineering and computer science.

According to Martin Plonus, director of the center, the gift would fund research on how to come up with new materials for transistors, how to make microchips faster and how to integrate microchips into large systems.

Dr. Frank Splitt, Vice President



*Dr. Frank Splitt (center) presents the \$25,000 check to Tech Dean Jerome Cohen (right) as Professor Marvin Plonus looks on.*

Technical Marketing, will be serving on the center's Industrial Advisory Committee. Participation on the committee will benefit Cook through research influence, timely

acquisition of research findings, access to CIMS facilities by Cook employees and exposure to graduate students for possible employment.

*by Barbara Grinbergs*

An excerpt from the March-April, 1987 issue of *The Local Loop*, a publication of the Cook Electric Division of Northern Telecom.



# The Industrial Needs of the Engineer in the 21<sup>st</sup> Century

Dr. Frank G. Splitt

Vice President, Technology Planning  
Northern Telecom Inc.  
Central Region

It is an honor to be asked to speak to university people on any occasion. To be invited to speak at *ASEE '91: The Challenges of a Changing World* is indeed a special honor. As advertised, my remarks will address the impact of the changing corporate environment on curriculum in the context of technology, quality, worldwide scope and communications as well as key market, legal and political issues.

As some of you may recall from Professor Ernst's kind introduction or can see from simple observation, I have been around for a while. In fact, it has been almost 39 years since I graduated with a BSEE. Imagine 39 years spent in the Engineering Profession! To place this time span in a historical context, the year that I began my university studies was the same year, 1948, that Bell Telephone Laboratories announced the development of the transistor and Claude Shannon again of Bell Labs, published his classic paper on *The Mathematical Theory of Communication*. Taken together, these two events have had a profound influence on my professional life as well as on the lives of countless others – particularly in the area of engineering education.

When it comes to engineering education, Northern Telecom as a corporation, and I as an individual, are impassioned supporters. Engineers form the vital core of our business - its backbone. Our engineers are every bit as critical to our success as accountants are to Touche Ross, doctors to the Mayo Clinic and lawyers to our quasi-deregulated, post divestiture telecommunications industry.

On a personal note, I and most of Northern Telecom's executives and senior managers were trained as engineers. In preparing for this talk, I obtained several views on engineering education. I would like to highlight some of these to set the stage for my own views.

Dave Vice, the Vice-Chairman for Products and Technology at Northern Telecom, said, "By definition, engineering is the application of science and technology to provide benefits for society. When I get the opportunity to talk with young engineers, I try to convince them that every engineer should work with the conviction that the profession has implications going far beyond the job at hand. There is a public role for engineers to play in today's world. Engineering not only encompasses the science and technology basic to engineering achievement. It also links technology to its social and economic use."

Dr. Donald Chisholm, retired Executive Vice-President of Technology for Northern Telecom Limited, said, "In hiring a fair number of students, mainly engineering, I have two major complaints. The first is attitude and the second is breadth. I suspect that they are, in part, related. In its extreme form, the attitude comes out that business is dirty. These views are far less virulent than they were ten years ago, but they are still there. On breadth, my problem is that the grads know physics and electronics very well, but there are voids on why and what is important. A real engineer has to focus, select, and simplify to get market answers. It just cannot be done without knowing about the world we live in and what makes it tick."

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*This paper was presented on June 19, 1991 at the American Society for Engineering Education 1991 Annual Conference: Challenges of a Changing World, in New Orleans, Louisiana. Essentially the same material was presented at the Tau Beta Pi Conference on The Renaissance Engineer 21<sup>st</sup> Century, Urbana-Champaign, IL, November 15, 1986; the Fifth Annual National Electrical Engineering Department Heads Meeting, San Diego, CA, March 20, 1989; the National Engineering Consortium Distinguished Lectures at Marquette University, April 18, 1988; Wayne State University, November 16, 1988; the University of Colorado at Denver, January 28, 1990; Virginia Polytechnic Institute and State University, Feb. 6, 1990; and the University of Minnesota at Duluth, September 21, 1991*

There were other remarks, but I think these give you a sampling of the substance. The recurrent theme I hear, and one I support, is that we need more graduates who have a broad view of life and business, the "big picture" if you will. It has been my long-held view that the need for leadership in the information age will best be served by such generalists.

As a matter of fact, in a Wall Street Journal series on *The Second Century*, there was a piece on chief executives in the year 2000. What I would like you to do when you hear "chief executive" is to think about the engineers of the future – engineers who I feel will bring leadership to this country as well as leadership on a global basis. Now let me quote from that article: "As the 40-year postwar epoch of growing markets and domestic-only competition fades, so too is vanishing the narrow one-company, one-industry chief executive. By the turn of the century, academicians, consultants and executives themselves predict, companies' choices of leaders will be governed by increasing international competition, the globalization of companies, the spread of technology, demographic shifts, and the speed of overall change. The world is going to be so significantly different it will require a completely different kind of CEO. The next century's corporate chief must have a multi-environment, multi-country, multi-functional, maybe even multi-company, multi-industry experience."

The Journal article on *The Second Century* also quoted Jack Sparks, retired Chairman of Whirlpool: "The undergraduate ought to concentrate on the humanities and social sciences. The future chief executive can't have had his head buried in his briefcase, his test tube or his computer. Graduate schools are struggling to figure out what they should teach." And, I might add, so are all of us!

With this as background, let me now elaborate on my personal views – views that are really not all that new or original, but taken together represent, at least to me, a call for a paradigm shift, a new way to think about engineering education.

To begin, we need to reemphasize the value of teaching and role modeling by our university professors as well as the critical role that value formation plays in our educational process. . . starting in the home with the family unit.

I also believe that some of our universities show strong tendencies toward over-specialization with a concurrent dominating focus on scientific research that needs to be balanced and modified. We need to shift away from the trend toward simply collecting more and more specialized information. Instead, we need to emphasize the evaluation of more broadly based knowledge and its implications to the needs of our society. Leadership in esoteric areas of science is not sufficient to drive technological leadership and the ability to convert critical technologies into manufactured products, processes and services that can compete successfully in a global marketplace.

Before I get too far along with this theme, I must, of course, admit that we will always need technical specialists. They are vital in certain areas of our industry. My concern is that we seem to be losing the generalists along the way. Another concern is that a great number of our future engineers are getting too caught up in minute parts when they need to be looking at the integrated whole.

Engineers need to be less concerned with components and more involved with understanding the inter-relationship between hard technological systems and soft non-technical "systems" because that is how the world is evolving.

So what does the new paradigm call for? . . . for one thing, it calls for a new way of thinking about how we evaluate our students, the kind of tests that we give them, what we expect from them. . . because that's where they will place their emphasis. Though this may seem to be an impossible task, let me remind you of Everett Rogers work on the diffusion process that takes place in this kind of circumstance. If only five percent of you start thinking along these new lines, then really buy into the idea, it will become imbedded. If the buy-in grows to twenty percent, it will turn into an avalanche and you will really be able to make a difference in terms of the new paradigm.

I believe that students need to be brought to better balance, to a more holistic view of their profession and their potential for leadership in our high-tech, information dependent society. In my experience, I have seen too many engineering graduates take a long time to become productive. So, you ask, "why might this be"? I believe it is simply because they have not been trained to develop solutions involving multiple disciplines. Creating appropriate pragmatic solutions from multiple inputs and under multiple constraints is a skill that needs to be developed in our engineering students.

Our engineering students need also to be challenged to bring their expertise and training to other areas. For example,

today virtually no major decision made by a world leader can be made without considering the impact of technology. Up to now, engineers have been negligent with regard to contributions to Government policy making, shaping and implementation. Senator Albert Gore, chairman of the Senate Science, Space and Technology Subcommittee, presented a related challenge in a speech delivered in March 1990 at *National Net '90*. In the context of remarks on the National Research and Education Network he said:

"People who are in science and technology often see politics and government as a world so distant from their own, it is forbidding. The learning curve is pretty steep, and it is easier to just stay away from it and not get involved. That's just the way most politicians think about science and technology. The learning curve is so steep you just leave it to the scientists and technologists and just don't worry about it. Well, our two communities can't afford that distance anymore. Just as the network is going to link up different groups around the country, we've got to link up, to pass enough data back and forth, to take care of the needs of this country. . . The people who do cross that threshold and get involved make a difference, and those who don't, don't make a difference."

The first step in addressing these concerns is one of developing a sense of awareness and appreciation of non-technical areas. That is why I believe technical training must be combined with a broad general education. It is my view that in order to make truly worthwhile contributions, engineers need the vision to appreciate what is possible, as well as command of the techniques that can lead to the realization of that vision. For example, the viability of an engineer's vision as to what is possible is vitally dependent on economics. . . on a real appreciation for the constraints of time and money, not only in managing an engineering project, but also with the relationship of economics to newly proposed products, processes or systems.

Business leaders are aware as never before of the interconnections and inter-dependence of the marketplace. The challenges of our modern world not only demand global solutions, but the ability to allocate financial and other resources to conflicting problems as well. Engineers normally will not spend their lifetimes solving purely technical problems. Most engineering problems span a wide range of both technical and non-technical areas. The non-technical include environmental, political, economic, social, regulatory and corporate factors that are usually interrelated in a very complex fashion. Let me illustrate by way of two contemporary examples.

First, let us look at Fiber-to-the-Home. Fiber's tremendous transmission capacity has the potential to bring awesome telephone company network power closer and closer to their customer's premises. This will enable customers to have an almost unlimited set of features and services by way of ISDN and broadband ISDN, such as voice, data, high-definition video, high-fidelity music, home shopping, home banking, and home security, to name but a few.

But even with all this power at hand, few business users and residential customers fully comprehend the advantages and personal benefits to be gained with fiber. A recent article in *Business Week* supports this view. It said: "Although these are strong selling points, telecommunications companies and developers face an enormous task in educating consumers about the benefits of fiber optics and ISDN, an acronym skeptics say, stands for Innovations Subscribers Don't Need."

As some of you may have read in *The Wall Street Journal*, Home Shopping Networks Inc. filed a \$1.5 billion lawsuit against GTE Corporation in state court in Clearwater, Florida. Home Shopping claimed foul-ups in telephone service cost the TV shopping channel more than \$500 million in profit. Although GTE's counterclaim was upheld by a jury and Home Shopping ordered to pay GTE \$100 million for defamation, this lawsuit certainly focused attention on potential legal entanglements associated with using the public network to provide such services

We see, then, that enormous technical, economic, regulatory, legal and customer education challenges still lie ahead as telephone operating companies plan on expanding beyond controlled fiber-to-the-home trials to provide fiber distribution and access facilities on a cost-effective basis to all of their subscribers.

Without support from a mass market, can service providers afford to make the investment in service development and additional construction costs? This leads to a key question concerning timing: Will fiber ever be delivered to the home on a cost-effective, ubiquitous basis?

The ultimate challenge is not to simply quiet the skeptics, but more importantly to bring the power of fiber optics as close

to the home as economically feasible. To my mind, this example illustrates the interplay between a number of entities and the need to develop an integrated solution. It illustrates that we need much more than technical information before appropriate solutions can be found.

As a second example, consider the Four Es: Environment, Energy, Education and Economics. It is generally accepted that we are living at a time of great chaos and crisis. As a matter of fact, Albert Einstein foresaw our current crisis and challenge in 1946 when, with great insight, he declared: "The unleashed power of the atom has changed everything save our modes of thinking and we thus drift toward unparalleled catastrophe."

As we approach the new millennium, there is a growing awareness that our world has changed dramatically. Through science, technology, engineering, and our expanding numbers, we humans have created a new reality. Central to this new reality is the fact that we are fast approaching the carrying capacity for meaningful life on this fragile planet Earth. This could be one of the most critical times in our history, as well as that of humankind. We cannot afford to drift; positive change demands a new way of thinking.

By no means is concern with the negative effects of population growth a recent phenomenon. In 1798, Thomas Malthus predicted the difficult problem of expanding food output to keep up with exponential growth in population. Today's world population of 5.3 billion reflects a doubling since 1950 with anticipated continued exponential growth. World population is expected to reach 8.5 billion by 2021. Related economic activity and natural resource usage will create overbearing pressure on the Earth's life support system. Projections from the United Nations, the World Bank and the University of Chicago provide estimates for the limits of the Earth's carrying capacity that range from 8 to 12 billion people. The upper limit will be surpassed by 2050 if present growth rates continue, thus increasing the likelihood of ecological collapse.

Our modern throwaway society, in combination with the concept of planned obsolescence and an addiction to "low-cost" fossil fuel based energy, not only contributes to atmospheric problems, but to water pollution as well; additionally, toxic waste and rubbish are generated to the extent that we are being overwhelmed with our waste products. The Gulf War, with its oil fires, spills and usage has brought humankind's assault on the Earth's biosphere into dramatically sharp focus. Interrelated atmospheric issues involving air pollution, heat trapping and ozone layer depletion pose a critical threat to one of the global commons and set the stage for severe disruptions in life as we now know it.

We are living in a time of transition. Ways of thinking that worked before will not likely work for the future; consequently, there is a drive for a paradigm shift from "me and mine, and survival of the fittest" to "we and ours, and survival of us altogether." Understanding and implementing an appropriate global policy re the Four Es will be critical to our survival. Here at home, our nations increasing oil vulnerability demands a lasting strategy that balances energy needs with the imperatives of the environment, education and overall economic vitality. The challenge to affect an appropriate level of positive change to save the Earth is of breathtaking proportions.

As Jonas and Johnathan Salk stated in their book, *World Population and Human Values: A New Reality*: "Individually and collectively, we share the responsibility for the future course of events on the planet, whether it be positive or negative." Widespread knowledge and understanding will be the key; education will be the vehicle. . . first to public awareness, followed by public demand and finally governmental action. A positive force will be the continued expansion of world trade and telecommunications. Both will enhance global integration by promoting interdependence and cooperation among nation-states, thus bringing life to a "We Are One" paradigm. Our future engineers will have a vital role to play in addressing this daunting challenge. . . hopefully; they will be well prepared.

I am sure that you can think of other examples, but the point is that moving from a vision to reality requires a lot more than a technically elegant "solution". There are other dimensions to our problems and business opportunities.

Let me now address an important related theme. It is my belief that most of all, the years in school should be a time for learning how to learn. . . how to be evergreen. We need to develop people who know how to think, how to perceive implications, how to develop relationships and connections. . . how to reason. Besides, even if we wanted to, it is unrealistic to expect to give a complete technical education in eight semesters, or even ten. That knowledge becomes outdated all too soon. I believe it's more important to lay a solid foundation at the university level, a foundation in

fundamentals on which engineers can build for the rest of their lives and to which they can return as specific technologies change.

It is my view that the study of specialized subjects at the undergraduate and graduate level should focus not only on understanding that specific technology, but on developing a continuing ability to adapt to change and to the rapid acquisition of new technologies as they evolve. As of now, a typical undergraduate curriculum at a state university is likely to require only eight non-technical electives for four years of study. That is essentially one course per semester. Does this really leave enough time for the aspiring engineer to explore economics, literature, history, psychology, foreign languages, or business administration? I do not think so!

I would like to suggest some areas of emphasis and change in order to broaden the general knowledge of engineers – engineers who will be addressing the needs of the 21st Century.

First, vehicles and opportunities to improve writing and speaking skills. . . this does not necessarily mean more courses, but rather new thinking on how we teach the courses we already have. Crisp, effective communication skills are a must. These skills strengthen thinking abilities because in order to write clearly, one must think clearly. This, in tandem with something to say, is fundamental to leadership and a key success factor in the engineering profession. If I leave you with one thing to remember here, it is to have our future engineers learn how to tell time when asked. . . not to tell how a watch is built.

Second, I would like to see more exposure to the arts and humanities. For example, knowledge of other languages and cultures is a definite asset now that media theorist, Marshal McLuhan's global village has become a global workshop. Young people needed to create and lead this nation's technical enterprise into the 21st century must be educated in a global context. I believe it's the responsibility of universities and their faculty to emphasize requisite courses and activities because students aren't prone to do it on their own.

I remember how I steered clear of arts and humanities classes during my first two years in college because I did not think they were really important to a technologist. I have been so pleased to see how many engineering departments across the nation are now emphasizing the social/humanistic elements of their programs.

Third, we also need more emphasis on the development of managerial and business skills. It is estimated that two-thirds of all engineering graduates eventually will occupy supervisory, management or executive positions. For example, when I served as a Vice President of Technology, I not only had to manage the development of economically viable hardware and software based systems, but budget and planning functions as well. Already many students aware of job market needs are taking business administration studies as electives. Why not integrate the essentials of this crucial body of knowledge into the curriculum?

Also on my "wish list" is a call for continued, if not more emphasis on, building rock solid foundations in mathematics, physics, chemistry and economics. I consider the study of probability and statistics to be a must if our engineers are to be comfortable with this world of non-deterministic phenomena, issues and problems. It is my view that engineering students need to develop, almost as a sixth sense, an appreciation for time and money constraints throughout their learning process.

Additionally, it is my view that our universities and colleges are faced with a challenge as their engineering departments reach higher levels of sophisticated automation and human sterility. The challenge is to provide better ways for faculty to work with students, to help them enhance their people-related skills. We need people who can work with other people, who can communicate, be inventive, creative, have ideas, and the courage to see them through. We need people who can enable others as well. . . people who are willing to act upon and encourage creative ideas from others. We need people who are willing and able to work with others across organizational and functional boundaries.

Above all, we need people who understand that education is a lifelong process. These attributes cannot be taught by multi-media computer simulation, but they can perhaps be developed through a process of thoughtful assimilation, integration and living it out. . . all keyed to values gained from real people serving as role models within the University.

Let me summarize by restating a key message in my talk. Engineering education must encompass new understanding and

new perspectives to enable engineers to play a leadership role; to enable them to step out into the community and influence the matching of technology to society's needs. Engineers must go beyond doing just the technical work for the policy and decision-making process. They must be actively involved, and listened to, when government and others set the rules and regulations pertaining to the use of technology.

With that, I leave all of you with my final challenge. . . to continue to generate innovative programs that help keep all of us . . . university faculty and administrators, industrialists, and engineering students. . . in a continual state of renaissance.

Thank you for your kind attention and good luck in your endeavors.

*Frank G. Splitt*

*6/19/91*

# The New Reality... A Call for Leadership

*The BENT of Tau Beta Pi, Spring 1991*

*by Dr. Frank G. Splitt, Illinois Alpha '52*

It has been 38 years since I graduated with a B.S.E.E. Imagine 38 years spent in the engineering profession! To place this time span in a historical context, 1948, the year that I began my college studies, was the same year that Bell Telephone Laboratories announced the development of the transistor and Claude E. Shannon, *Michigan Gamma '36*, again of Bell Labs, published his classic paper, "The Mathematical Theory of Communications." Taken together, these two events have had a profound influence on my professional life, as well as on the lives of countless others.

The technology associated with engineering has indeed been exciting to live with... an exhilarating experience, to say the least. Surprisingly, to some, engineering has also introduced me to the most articulate, enthusiastic, and positive people I've ever met. I give engineering credit for teaching me to think simply and more clearly... and to communicate briefly, but to the point.

The competitive world of new product development demands disciplined, strategic thinking that helps give priority and perspective to our ideas. Each year American industry expends untold time, energy, and money on the strategic planning process. When appraising a new product, most companies usually keep several strategy-related questions in mind. Representative questions would be:

1. *"What has the market been for products of this type?"*
2. *Where could this product be positioned in the market... realistically?"*
3. *How can this product get there?"*
4. *Is the product getting there?... Is it really making it?"*

These four questions are so penetrating that they could apply to many things. As a matter of fact, we have applied them to the seminars sponsored by the National Engineering Consortium. You could even apply them to your life, if you consider yourself a product currently under development. For the sake of discussion, think of yourselves as new products under development with Product Launch of New and Improved Graduates into the Information Age Marketplace scheduled in the next year or so. Again, for the sake of discussion, let's think about how you can be sold as a new product. That brings us to the first of these four questions:

## *What has the market been for products of your type?*

Well, you have been living in America... the oldest continuous democracy in history, where according to a *TIME* cover story on ethics.... hypocrisy, betrayal, and greed unsettle the nation's soul.

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This paper was adapted from a speech delivered at the Illinois Alpha Chapter initiation banquet at the University of Illinois at Urbana-Champaign on November 9, 1990. Addresses at the 1988 & 1991 National Engineering Consortium Internship Program Colloquia, the 1988 Industry-Day banquet at Notre Dame University, and the 1988 Eta Kappa Nu banquet at Marquette University were based on essentially the same material. The electronic version was developed by the International Engineering Consortium in November 2000.

On November 2, 1990, "Hall of Shame" titled the *Wall Street Journal's* lead article that described how a host of professionals paved the way for the S&L crisis. Here I quote: "They were mid-level figures, some of the thousands of ordinary people – lawyers, consultants, regulators, congressional staffers, state officials, and investment bankers who helped create the crisis, often by calculating their own self-interest first. The list is so long that some observers conclude there is something profoundly wrong with the country's political and financial systems, which appear easily undone by feckless and reckless behavior. In fact, they say, the behavior of this nation's professional class itself. No more vital question could be posed: Where were the professionals?"

Most of you have also heard it claimed that

- We have come to live dangerously, in near runaway debt, and agonize over the budgeting process as many of our nation's needs go unfulfilled... physical infrastructure and education to name but two.
- We have paid lip service to the importance of technology and have not backed it with commitment.
- We have failed to integrate research and development with corporate planning, business units, and manufacturing.
- We have placed most of our emphasis on short-term profits and have entered a process of restructuring corporate America bringing much personal pain, confusion, and uncertainty to our more mature and experienced work force.
- We place exaggerated value on the legal profession. Japan trains 10 engineers for every lawyer; we train 10 lawyers for every engineer. So, does it come as any surprise that we have competed with the Japanese and lost...steel, TV receivers, VCRs, industrial robotics, and a large portion of the auto and banking businesses? Another question of the day is: "Can America compete?"

The headline of a recent issue of *Business Week* covered a special report on "Human Capital – the Decline of America's Work Force." Let me quote from the report: "The nation's ability to compete is threatened by inadequate investment in our most important resource: people. Put simply, too many workers lack the skills to perform more demanding jobs."

From 1945 until about 1975, we saw 30 years of unprecedented progress with the commercialization of TV and the development of a ubiquitous national communications system, not to mention placing a man on the moon. Unfortunately, during the intervening years, we somehow became complacent and lax in our business and educational affairs. We did not consider seriously those who were copying what we were doing well, and correcting what we weren't doing so well, to improve their own competitive positions. In today's complex and high-tempo global marketplace, there is simply no room for complacency and laxness.

Archibald MacLeish, a past poet laureate of Illinois said, "We have survived adversity, but we may not survive prosperity." If that's true, then our best years may have been our worst time for character building and the tough years ahead are going to be our best for bringing out our finest qualities.

It is generally accepted that we are living at a time of great chaos and crisis. As a matter of fact, Albert Einstein foresaw our current crisis and challenge in 1946 when, with great insight, he declared: "The unleashed power of the atom has changed everything save our modes of thinking and we thus drift toward unparalleled catastrophe."

As we approach the new millennium, there is a growing awareness that our world has changed dramatically. Through science, technology, engineering, and our expanding numbers, we humans have created a new reality. Central to this new reality is the fact that we are fast approaching the carrying capacity for meaningful life on this fragile planet Earth. This could be one of the most critical times in our history, as well as that of humankind. We cannot afford to drift; positive change demands a new way of thinking.

The challenge to affect an appropriate level of positive change to save the Earth is of breathtaking proportions. As Jonas and Johnathan Salk stated in their book, *World Population and Human Values: A New Reality*: "Individually



and collectively, we share the responsibility for the future course of events on the planet, whether it be positive or negative.”

A bad time for all us? Maybe not! Perhaps it is time for all of us to reassess ourselves and the marketplace in which we exist. While apocalyptic events loom on our national and world horizons, it's important to remember that we are a resilient people and Yogi Berra's "It ain't over till it's over" means just that.

In his book, *The Closing of the American Mind*, Allan Bloom, a distinguished University of Chicago professor, speaks about our young people who, lacking an understanding of the past and a vision of the future, live in an impoverished present... and, I might add, are bored. As a matter of fact, if you are looking for socially threatening circumstances, adventure, and excitement, you should have been born during the Revolution, the Civil War, or right now! Indeed, things should not be boring for any of us. That makes this a wide-open marketplace and a particularly good time in which you can play a vital role as a new product..., which leads to Question No. 2.

### ***Where Could You Be Positioned in the Market...Realistically?***

In spite of my somewhat depressing remarks on the marketplace, I see enormous opportunity and a great future for you. With great hope for our common future, I challenge you Tau Bates to consider a lifelong career in the fine art of leadership! Introducing, our Leaders for the Information Age! It has a certain ring, don't you think? It will certainly get attention if you put that on your resume. Can you imagine the market's reaction to an influx of New and Improved Leaders from the Illinois Alpha Chapter of Tau Beta Pi? You could really shake up all the well-intentioned "professionals" who've hung "Do Not Disturb" signs on their careers and their modus operandi. You may also cause a bit of trouble... and you know that the last thing you want to do is cause trouble. So, if you want a less troublesome career, remember:

- It is less trouble for most of us to melt into the background than it is to stand up for our beliefs!
- It is less trouble to accept mediocre education than it is to insist on good education!
- It is less trouble to just do our jobs than it is to become involved with professional activities as well!
- It is less trouble to offer easy and preferred answers than it is to take on the hard work associated with the development of better, but potentially unpopular answers!
- It is less trouble to avoid questions of what constitutes right and wrong than it is to address them head-on!
- It is less trouble for some of us to go along with the drug scene than it is to stand up and just say NO!
- It is less trouble to be silent than it is to speak out on issues involving the new reality: explosive population growth, economic justice, world peace, depletion of non-renewable resources, environmental deterioration, and a host of other problems impeding our evolution to a truly secure and sustainable society!
- It is less trouble to follow than it is to lead!

But consider the potential of a career in leadership! If you elect to develop your self as a leader, you will join an impressive group. Some are here with you at the University of Illinois. They are leaders because they could not remain in neutral and not gear up for progress.

Again, you need also to be challenged to bring your unique expertise and training to address the new reality. For example, in October 1989, Dr. John H. Sununu, *Massachusetts Delta '61*, the White House chief of staff and former governor of New Hampshire, addressed the National Academy of Engineers. Gov. Sununu, a Ph.D.-level mechanical engineer by training, stated that, "Virtually no major decision made by a world leader today can be made without considering technology." After setting the stage with those words, he then went on to chide engineers for being negligent with regard to contributions to governmental policy making, shaping, and implementation.

The first step in addressing these concerns is one of developing a sense of awareness and appreciation of non-technical areas.

Here I'd like to recognize a leader who had a profound influence on my thinking, career, and direction in my life, the late Arthur J. Schmitt. He was the inventive industrialist who founded the Amphenol Corporation in 1932 and the philanthropist who founded the Arthur J. Schmitt Foundation in 1941. He was also the educational innovator who founded the Fournier Institute of Technology, my alma mater.

Mr. Schmitt's quest was for leadership. His aim was to provide effective industrial leadership via electrical engineers skilled not only in their profession, but in business administration and communications as well. His vehicle was education. Mr. Schmitt often paid tribute to America's engineering genius and cited the importance of engineers in America's future. He believed there was no field with richer rewards, none more intriguing, and none more important to the growth and defense of our nation. And to that, I would add: as well as the continued evolution of humankind.

Not only do leaders of this caliber march to the beat of Thoreau's "different drummer," they strongly influence others to march to the beat that they hear! To them, life is to be lived by high standards... across the board! And, that is just what I am calling you to do! So, now that we have positioned you in our marketplace as developing new leaders, you're ready for Question No. 3.

### ***How Can You Get There?***

How do you put it all together and be a leader – and I mean a successful leader? The answer is simple... learn to work with people, to communicate, be inventive, creative, have ideas, and the courage to see them through. That's it, but maybe not so simple after all.

There are few people who can really work well with others...in a team approach, if you will. Somehow many of us seem to perceive teamwork as counter to our American culture of rugged individualism... rugged individualism that many now view as rampant and irresponsible.

There are few people in life that can communicate with ease both in the written and spoken work. Development of these skills has not been considered as important as gaining application-specific technical knowledge. One of the hallmarks of a true leader is superb communications skills.

There are very few people who have ideas, and even fewer still who have the courage to put them up against all odds. As you know, ideas can be risky. Ideas call for action and, most likely, change. Ideas call for commitment; big ideas call for total commitment and high risk. Commitment takes courage to act in accordance with your beliefs in spite of criticism.

So to be a successful leader, learn to inter-work with others; communications is a catalyst for this component of our recipe. The interesting thing about the other ingredients, ideas and courage, is that you can't really learn how to have either while sitting in a classroom. Ideas and courage go together. Ideas are the spark and starting power to our daily lives. Courage is that drive in our heart that pushes us on when in conflict or under adversity... certainly in the face of criticism. Both are what the world needs. Our country needs them, your community needs them, and our industry needs them.

These attributes can't be taught, but they can, perhaps, be developed by you through a process of thoughtful assimilation, integration, and living it out... a different kind of learning than usually takes place via formal education. A part of the answer may also be found in an expression coined by Edmund Fuller, a book reviewer for the *Wall Street Journal*: "You are what you read"! Some time ago, he said that we don't hear enough about "aliteracy." Aliteracy is to literacy what amorality is to morality. It denotes, Fuller says, hosts of people who can read, but don't or won't. That is the deliberate discarding, the wanton neglect, by most, of a heritage available to all. Fuller also says, "The book is the greatest medium for general education and for the rich furnishing of the mind"

If the university is doing its job, it is passing on to you a passion for reading that will only grow over the years. If not, then you need to develop this passion on your own, for therein lies the key. Reading will help you develop a

strong sense of history as well as a sense of what can and cannot be done. It also leads to IDEAS if you are open to them and take the trouble and the time to think... to press for connections... to make linkages... to see relationships... to see possibilities.

Another part of the answer may be in the broadening of your horizons. Teamwork, communications, courage, and idea formation can be developed and nourished if you open yourselves to religious, philosophical, political, and social issues, and not limit yourselves to technical pursuits alone.

If you get involved with social, civic, and church activities, you'll reap many benefits from each new discipline of thought you enter and from relationships you build. You will be developing a richness of human spirit, a broader view of life. You will also develop a more holistic view as you step up to the new reality occasioned by the explosive growth of world population with its related environmental, social, and economic problems. Necessity previously demanded the solution of problems related to science and technology, but now the demand will be for the solution of problems involving human values, attitudes, and behavior, as well as the interrelationships and dynamics of social, political, and economic systems on a global basis. How better to apply and live out the organizing principles of Tau Beta Pi!

By way of involvement in diverse non-technical activities, you will also be taking key steps toward your position as a responsible leader in the Information Age. Each one of you can make a difference... all of you can make a really big difference.

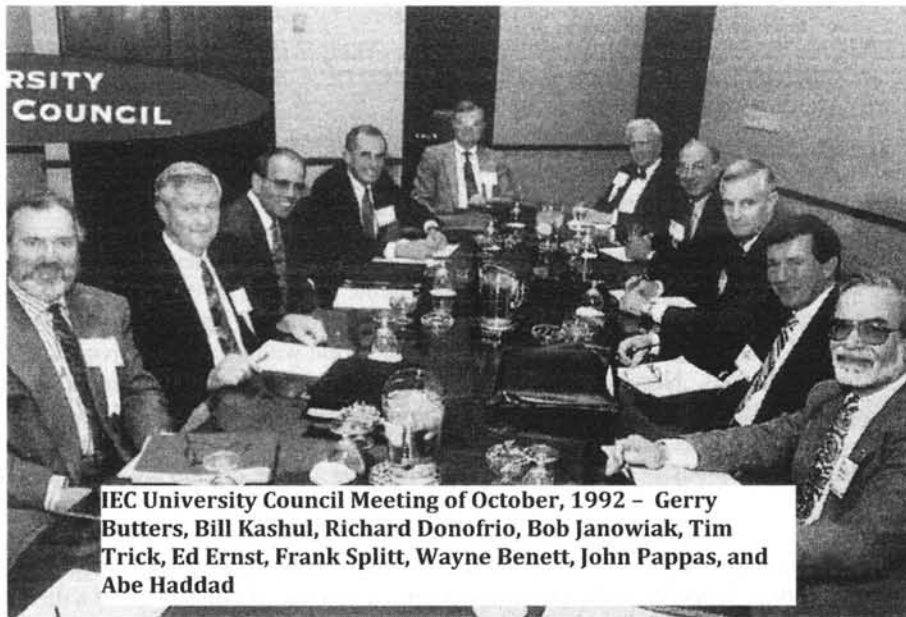
Did you ever see the movie, *High Noon*, starring Gary Cooper as the recently married sheriff of a small town in the early West? It was about a man who ultimately had to face his innermost self all alone... a personal Armageddon. The movie was a favorite of my parents, but it is much more than that to Tom DeMint, of the J. Walter Thompson advertising agency. Tom, who is an innovative leader and a friend, speaks about this movie with an almost religious fervor. He often refers to this classic morality play to make a point, as I will now.

In the story, the deputy, played by Lloyd Bridges, refused to help the sheriff or go with him to meet the noon train and his fate. The sheriff didn't want to meet that train: nobody in town wanted him to meet the train because there would be trouble! But you knew by the look in his eyes that he had to go. In a unique bedroom scene, actress Kate Jurado, a long-time friend who secretly still loved the sheriff, turns to the cowardly and jealous deputy and says, "... you're a good looking boy; you have big, broad shoulders, but... it takes more than big, broad shoulders to make a man... and you have a long way to go. You know something? I don't think you will ever make it."

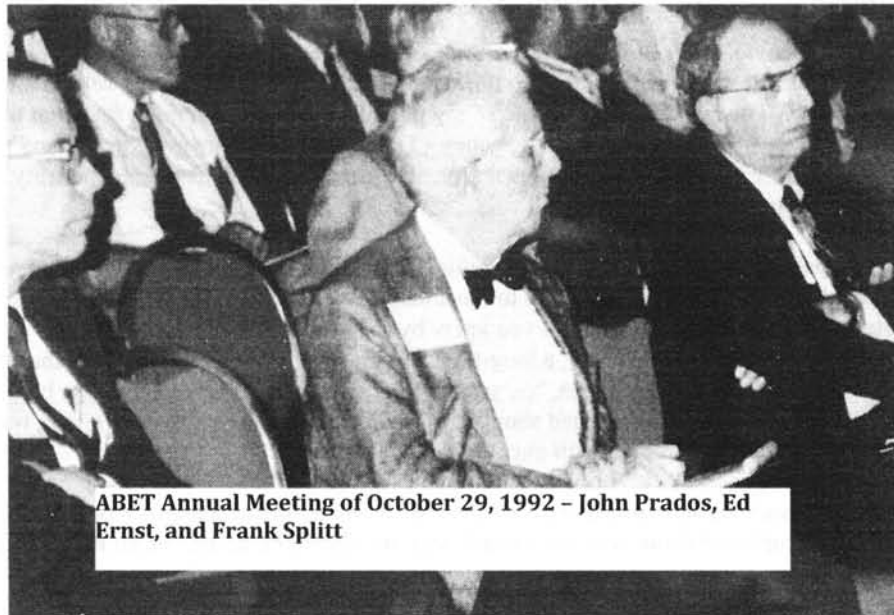
On this endangered planet Earth, in a country now flush with a widespread sense of moral disarray, where we seem to be confused about who we are and what we should be doing, we all have to face that possibility.

So, for those of you who accept my challenge, every day for the rest of your academic and working life, you need to assess your progress toward success... of putting it all together... by asking yourself  
Question No. 4:

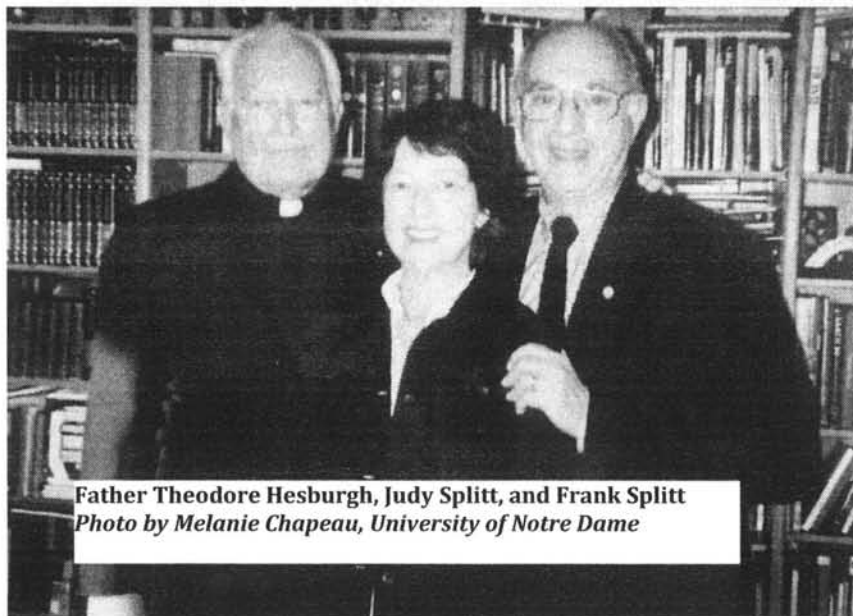
***Am I making it as a Responsible Leader for the Information Age?***



**IEC University Council Meeting of October, 1992 - Gerry Butters, Bill Kashul, Richard Donofrio, Bob Janowiak, Tim Trick, Ed Ernst, Frank Splitt, Wayne Benett, John Pappas, and Abe Haddad**



**ABET Annual Meeting of October 29, 1992 - John Prados, Ed Ernst, and Frank Splitt**



**Father Theodore Hesburgh, Judy Splitt, and Frank Splitt  
*Photo by Melanie Chapeau, University of Notre Dame***



# ***SUPERCOMM / ICC '92***

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IEEE



# ICC '92 PLENARY SESSION

## "INTERNATIONAL INFLUENCES ON TELECOMMUNICATIONS"

### **Monday, June 15**

8 a.m. - 9 a.m.

McCormick Center Hotel

Ballroom 6

### **Enrique Used Aznar**

Director General De International Services

Chairman, Telefonica International

### **Theodor Irmer**

Director, CCITT

International Telecommunication Union (ITU)

### **Frank G. Splitt**

Vice Chairman, ICC '92

### **OVERVIEW**

Frank Splitt will moderate a panel discussion on current international issues and how they will likely impact the future of the telecommunications industry. The panel will cover world trade with particular focus on the structure of the European Economic Union. Perspectives on international telecommunications standards will be given by Theodore Irmer, and an update on progress made modernizing Spain's Telecommunications Network will be presented by Enrique Used Aznar.

Frank G. Splitt is Vice President, Educational and Environmental Initiatives, for Northern Telecom Inc. He received his B.S.E.E. from the Fournier Institute of Technology, and M.S. and Ph.D. degrees in Electrical Engineering from Northwestern University. He began his career in 1952 with the Admiral Corporation and moved to Raytheon Manufacturing Company in 1954, designing television receivers at both organizations.

From 1956 to 1967 he led R&D programs for Cook Electric developing spread-spectrum, secure communications and advanced radar, sonar and direction finding systems. Later, as Vice President and Director of Engineering, he focused on Outside Plant Products and Information Handling Systems technology. He has served as Director of Business Development, Vice President of Technical Marketing for the Cook Division, and most recently as Vice President, Technology Planning for the Central Region of Northern Telecom.

Splitt, an IEEE Fellow and Director of the National Engineering Consortium is a member of the ABET Industrial Advisory Council. He serves Northwestern University as a member of the Robert R. McCormick School of Engineering and Applied Science Advisory Council. He also serves on the University of Illinois College of Engineering Advisory Board.

# ***Creating Our Common Future***

## ***Reflections on the Four Es: Environment, Education, Energy, and Economics***

***Dr. Frank G. Splitt***

### ***Clear, Present and Future Danger***

*"If the ways of God are inscrutable the path of man has become incomprehensible Modern man, despite the wonderful body of knowledge and information that he has accumulated and the means to apply it appears to be muddling ahead as if he were blind or drugged staggering from one crisis to another."* So wrote the Club of Rome's Aurelio Peccei and Alexander King in 1977 when addressing goals for humankind.

In this light, reflection on recent global and domestic events during the course of my year-long *2021 AD ComForum* experience has led me to believe that the clear, present and future danger faced by the world in general, and the United States in particular, has to do with two polarities. The first is the ecological polarity between human activities and the life-sustaining capacity of the Earth. The second is between the haves and have-nots . . . the so-called North-South economic polarity addressed in the late 1970s by Willy Brant and his independent commission on international development issues.

These polarities are strongly interrelated as they both involve the closely coupled *Four Es: Environment, Education, Energy, and Economics*. In combination, these ecological and economic polarities threaten the security of the world at large. More importantly, they represent two important dimensions of the real challenge we have before us . . . the challenge to create a secure and sustainable future for all of us. This means meeting the needs of those alive today without compromising the ability of future generations to meet their needs

As we approach the new millennium, there is a growing awareness that our world has changed dramatically. Through science, technology, engineering, and our expanding numbers, we humans have created a new reality. Central to this new reality is the fact that we are fast approaching the carrying capacity for meaningful life on this fragile planet Earth.

A salient response to this new reality came in 1983 when the United Nations General Assembly established the World Commission on Environment and Development. Chaired by Gro Harlem Brundtland, the commission was charged with proposing long-term strategies for integrating environmental protection and development. Their final report, *Our Common Future*, was published in 1987. It stated that the keys to sustainable development include equitable growth in impoverished countries and adoption of lifestyles that are "*within the planets' ecological means*," particularly in the industrial world.

Indeed, all of this presents a formidable challenge, involving no less than the building of a comprehensive framework for our common future, a future beyond mere survival . . . a future that will ensure the continued evolution of the human species. Albert Einstein foresaw this challenge in 1946 when, with great insight, he declared:

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NOTE: This paper was based on a presentation at the 1991 National Communications Forum's University-Industry Colloquium, *2021 AD: Visions and Directions*, on September 29, 1991. It was published as a monograph by the National Engineering Consortium in April 1992, and, as an adapted paper, in the Fall 1992 issue of *THE BENT of Tau Beta Pi*. The addended letter contribution on sustainable development was published in *THE BENT* shortly thereafter. The electronic versions of both manuscripts are courtesy of the International Engineering Consortium.

The paper provided the themes for the keynote addresses as well as the Ameritech *SuperSchool* and the Nortel environmental initiatives at *SUPERCOMM/ICC'92*. It was also used as one of the background documents for the 1994 National Science Foundation Workshop on Engineering Education and served as the basis for the author's addresses in March 1992 at the University of Illinois at Chicago and at the 20<sup>th</sup> Annual Computer Science Conference, in May 1992 at Northeastern Illinois University, in September 1992 at Clemson University, and in June 1993, at the Society of Women Engineers National Convention.

*The unleashed power of the atom has changed everything, save our modes of thinking, and we thus drift toward unparalleled catastrophe.* “This could be one of the most critical times in our history, as well as that of humankind. We cannot afford to drift; positive change demands new ways of thinking and doing ... a new way of being. As Senator Albert Gore put it in his recent book: *“the earth is in the balance.”*

## **The Opportunity Today**

Notwithstanding the seemingly overwhelming problems of the day, the opportunity still exists to create our common future. However, to move beyond today’s problems, and to ensure evolution toward a secure and sustainable future for all humanity, requires the individual and collective realization that we are living in a time of transition, sometimes characterized by great chaos and crisis . . . *a time of correspondingly great opportunity . . . which could be the opportunity of Earth’s lifetime.* Successful seizure of the opportunity requires recognition that we are both part of the ecological and economic polarization problems and a major part of a workable systemic solution. By we, I mean us... all of us.

We can ill afford to be distracted from the main event issue... ensuring the survival and continued evolution of the human species. There exists persuasive evidence that our Planet Earth is fast approaching the limits of its ability to support meaningful life. Explosive population growth, environmental degradation, and financial disequilibrium are the prime culprits with each feeding upon the other to multiply the overall negative impact. Continued reliance upon our old ways will assure accelerated slippage of the earth community toward virtual extinction while mesmerized by the twin illusions of prosperity and progress.

To me, this threat stresses the need for the unifying global paradigm: *“we are one.”* Not only does the survival of the earth community depend upon our ability to change, to form new values, new ways of thinking, and a corresponding set of life-saving organizing principles, it also depends upon our ability to reorder our priorities and address a whole host of interrelated, main-event issues affecting our common future.

## **Clearing the Way**

First and foremost, there is the urgent need to eliminate the threat of ecological collapse. Our modern throwaway society, in combination with staggering population growth and the concept of planned obsolescence, as well as with an addiction to “low cost” fossil-fuel-based energy, not only contributes to atmospheric problems, but to water pollution as well. Additionally, toxic waste and rubbish are generated to the extent that we are being overwhelmed with our waste products. The Gulf War, with its oil fires, spills, and usage has brought our assault on the Earth’s biosphere into dramatically sharp focus . . . for those who choose to see. Interrelated atmospheric issues, involving air pollution, heat trapping, and ozone-layer depletion, pose a critical threat to one of the global commons and set the stage for severe disruptions in life, as we now know it.

Understanding and implementing an appropriate global policy regarding the *Four Es* will be critical to our survival and fundamental to the creation of a sustainable future. Here at home, our nation’s increasing oil vulnerability demands a lasting strategy that balances energy needs with the imperatives of the environment, education, and overall economics. Taken together, these represent a daunting set of problems of almost paralyzing complexity. These problems are all the more difficult to address since they are characterized by very slow erosion-like developments... developments so gradual that they are almost imperceptible, certainly beyond our day-to-day awareness. In many cases, the threats are also beyond our senses. They cannot be seen, heard, tasted, smelled, or felt . . . and so, can easily be put out of mind. We have only to look at ozone-layer depletion for an example of these insidious threats. The challenge to affect an appropriate level of positive change to create a sustainable future is certainly of breathtaking proportions.

## **Effects of Population Growth**

By no means is concern with the negative effects of population growth a recent phenomenon. In 1798, Thomas Malthus predicted the difficult problem of expanding food output to keep up with exponential growth in population. With reference to Figure 1, today’s world population of 5.3 billion reflects a doubling since 1950 with anticipated continued exponential growth. World population is expected to reach 8.5 billion by 2021. Related economic activity and natural resource usage will create overbearing pressure on the Earth’s life-support system. Projections from the



United Nations, the World Bank, and the University of Chicago provide estimates for the limits of the Earth's carrying capacity that range from 8 to 12-billion people. The upper limit will be surpassed by 2050 if present growth rates continue, thus increasing the likelihood of an ecological collapse.

## **Paradigm Shift**

As indicated previously, we are living in a time of transition. This can be seen with reference to Figure 2. As we move through this transition time, we can continue with our old ways of thinking and acting, or we can adapt and change. It is my personal view that old ways will assure continued preoccupation with enemies, perpetuation of military-industrial complexes, arms trade, and world-wide conflicts despite their huge human and financial costs. The alternative path is to work cooperatively to reduce or eliminate, as appropriate, all significant threats to the security and survival of the earth community. What is required is no less than an era of unprecedented global cooperation and commitment. Consequently, there needs to be a drive for a paradigm shift from pre-transition Epoch A's "*me and mine, and survival of the fittest*" to post-transition Epoch B's "*we and ours, and survival of us altogether.*" This shift can be brought about via the unifying global transition paradigm "*we are one.*"

## **No Guarantees**

Based upon the magnitude of the problems and the high stakes involved, it would seem obvious that it is in our vital interest to work together in addressing these issues and so create a sustainable common future. We can no longer afford the luxury of muddling . . . of engaging in resource draining activities that divert our attention from main-event issues. Likewise, we cannot be deterred by naysayers who would either discount the threat as Malthusian doomsdaying or else would call the approach naive, and so label the effort futile . . . wishful thinking, beyond the capacity of mere humans to even contemplate.

It is my view that to succumb to this negativism and do nothing would ensure the eventual devastation of the Earth community — possibly within the lifetime of some of my own children, but certainly my grandchildren. There appears to be no option but to respond with resolute intensity, resources, and vigor akin to that used to prosecute the Gulf War. Will it happen? Unfortunately, not immediately; perhaps it may never happen at all.

The *Global 2000 Report to the President*, issued in the early 1980s, indicated the potential for global problems of alarming proportions by the year 2000. Despite this clear warning and the salient efforts of the United Nations, Club of Rome, Worldwatch Institute, World Resources Institute, Natural Resources Defense Council, and many others, we continue to drift. We are seemingly unable to breakthrough the wall of apathy to launch an effort commensurate with the task of ensuring the continued evolution of the human species.

Surely, the 1990s will be a critical decade. Continued delay will allow the problems to magnify to the extent that they will explode beyond our capacity to exercise control. We must do much better than we have thus far with "Earth Days" and the like. There is no guarantee that we will respond in time, just as there is no guarantee that we will survive and continue to evolve as a species.

## **The Real Beginning**

As Jonas and Jonathan Salk stated in their book, *World Population and Human Values —A New Reality*: "Individually and collectively, we share the responsibility for the future course of events on the planet, whether it be positive or negative." Unlike war-related initiatives, attendant nerve-tingling excitement, passionate flag-waving, and 24-hour media coverage are not to be expected in this type of effort. Commitment, resourcefulness, persistence, hard work, and never-ending patience will be the battle order of the day. A major challenge will be to overcome the apathy of the general public, the characteristic inertia and short-term thinking of governmental administrations, and the nagging fear that we may already be too late with requisite action.

A real beginning demands a shared vision supported by a coordinated and sustained grass-roots thrust with power of the magnitude that brought down the Berlin Wall and launched the wave of democracy in Eastern Europe and the former Soviet Union. Absent this level of thrust, a catastrophic event such as a severe drought, or other dramatic climatic change, will be required to shock us out of our illusions, denials, and addictive behaviors.

In 1820, some 22 years after Malthus's dire predictions relative to exponential population growth, Thomas Jefferson said, "*I know of no safe repository of the ultimate power of society but the people. And if we think them not enlightened enough, the remedy is not to take the power from them, but to inform them by education.*" It is my view that widespread knowledge and understanding will be the key to the real beginning. *Education will be the vehicle . . . first to public awareness, followed by public demand, and finally governmental action.* A step in the right direction is our America 2000 national education strategy announced this past April by President Bush. A positive force will be the continued expansion of world trade and telecommunications. Both will enhance global integration by promoting inter-dependence and cooperation among nation-states, thus bringing life to the unifying "*we are one*" transition paradigm.

Most likely, non-governmental organizations, populated by concerned citizens and working in conjunction with a revitalized United Nations, will be the real leaders in creating our common future. The Carter Center, for example, is doing seminal work in this area. Religious groups and our business enterprises will all have significant roles based upon the enormous potential influence of the religious groups and the proven ability of business enterprises to get things done; both need rise to the challenge.

### **What Can We Do?**

I firmly believe that we, in the business and academic sectors of the information industry, are in a high-leverage, trim-tab-like position. I also believe that we will have one of the more vital roles to play in addressing this formidable challenge. We should be leading the charge in at least two areas. The first is in tele-commuting to help reduce the significant environmental and energy costs associated with the transportation sector... 10 of the 17-million barrels per day of U.S. oil-based energy consumption. The second is in tele-education to further enhance the free movement of ideas and the dissemination of appropriate learning materials within the context of the "*Bringing America On-Line*" component of our America 2000 initiative. This involves the development of new and more appropriate learning tools as well as expanded distant learning vehicles to address widespread educational inequities . . . all based upon modern computer and telecommunications technology.

Additionally, we in the business community can provide proactive programs to help educate as well as encourage our employees to become involved in both educational and environmental affairs... and we are beginning to make some real progress! For example, Motorola, IBM, and Apple have become corporate pacesetters in the K-12 education area. I am pleased to see my own company become a leader in the environmental area, particularly with respect to the elimination of ozone-depleting CFCs. It is encouraging to see an increase in the number of corporations committing to balance environmental and educational imperatives with energy needs and economic vitality. Most of all, I am proud of the growing number of my colleagues in the information industry who are working to create our common future.

Educational institutions at all levels can play a crucial role by refurbishing and expanding their learning-tool kits, as well as by placing strong emphasis on global education, individual responsibility, and the value of conservation... using only what is needed, and then reusing and recycling after that. All students should be made aware of the dynamic interrelationships and the balance required among the environment, our energy needs, and our economy. Educators can also collaborate with both parents and the business community to improve the teaching and learning processes.

***We need to become a learning people . . . learning together what we need to learn and then learning it. As a matter of fact, we need to become a learning global community.***

On a personal basis, each of us might look deep within to learn what we can contribute to this critical effort to ensure meaningful survival for the human species. All of us can contribute to a new and real beginning, to the creation of our common future, by setting an example as leaders in balancing the *Four Es* within our business and educational organizations, and by making our voices heard—loudly and clearly within our families and communities. The choice is ours.... I hope that our children and those of generations yet to come will not have found us lacking.

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### Predictions of Future World Population Growth

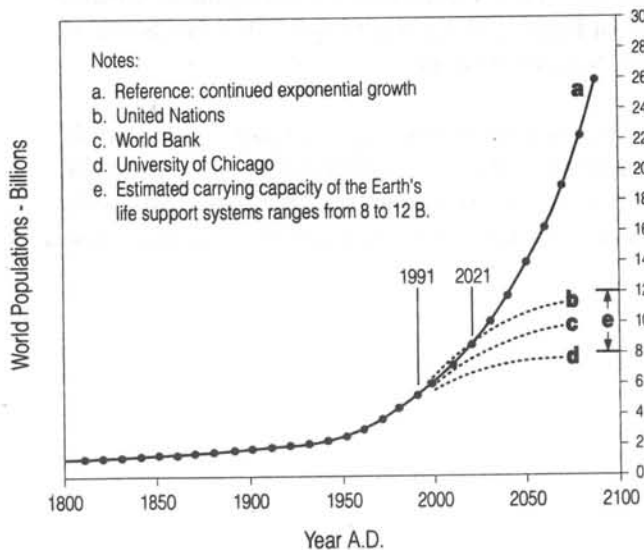


Figure 1

### World Population Growth Transition Scenarios

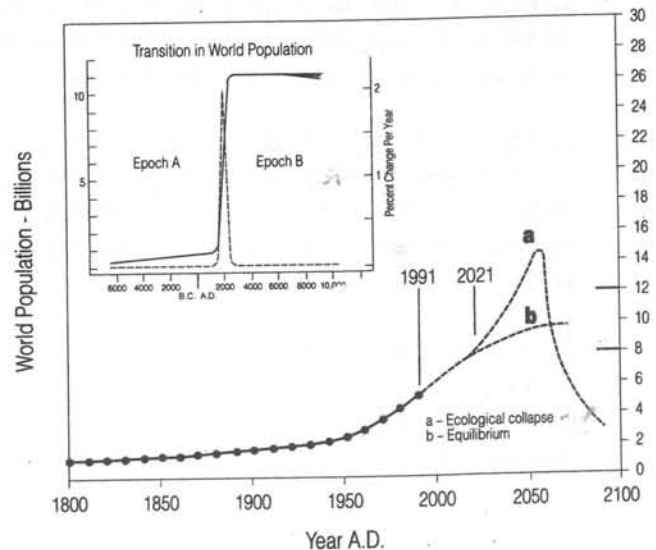


Figure 2

## **SUSTAINABLE DEVELOPMENT**

My article, "*Creating Our Common Future: Reflections on the 4Es: Environment, Education, Energy and Economics*," [Fall 1992] triggered several interesting responses [Winter 1992]. These comments are addressed to readers who would argue that human intervention to save our planet from the threats of global-warming, environmental degradation, over-consumption, and population growth is but mere folly, as well as to those who would argue that we are not doing enough soon enough. I ask both groups to consider the following.

Last November 18, the Union of Concerned Scientists issued a document entitled *World Scientists' Warning to Humanity*. It catalogs the damage to the atmosphere, oceans, soil and living species and states categorically that continuation of destructive human activities, such as unrestricted population growth, "*may so alter the living world that it will be unable to sustain life in the manner we know.*" The report was signed by 1,575 scientists from 69 countries including 99 of the 196 living scientists who are Nobel laureates.

As stated in *Time* magazine's special fall issue on the future: "*The state of the environment in the latter part of the next century will be determined largely by one factor: human population, lithe species doubles its numbers by 2050, to nearly 11 billion, humanity may complete the devastation that accelerated so steeply in this century.*"

Vice President Albert Gore addressed population growth in his book *Earth in the Balance* where he says: "*Just as no problem better illustrates the dramatic change in humankind's impact on the global environment, none better illustrates the necessity of adopting a truly global solution and designing it in a strategic fashion... What's required, then, is foresight, maturity of commitment and philosophical cohesion....*"

To me, these are but representative examples of many thoughtful reflections and recommendations to precipitate action on population growth and other human-made problems that threaten the evolution of humankind. Also, according to the World Engineering Partnership for Sustainable Development, meeting the needs of the present without compromising the ability of future generations to meet their needs will be the dominant economic, environmental, and social issue of the 21st century.

Perhaps, more of us in the engineering community, acting as responsible Earth citizens, will join the effort to create our common future. We have much to contribute in the way of time, talent, and leadership abilities to help overcome extant confusion, disappointment, and frustration, as well as address the arguments of entrenched special-interest groups. The stakes are high; there is much to be gained. And, **WHAT** do we have to lose?

*Frank G. Splitt, IL Alpha '52*

*THE BENT of Tau Beta Pi*  
Spring 1993

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***The U.S. Information Industry —  
Creating the 21st Century***

**Frank G. Splitt**

Vice President, Emeritus  
Northern Telecom Inc.

**March, 1993**

***Sponsored by the  
National Engineering Consortium***

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*This paper was commissioned by the National Engineering Consortium on October 5, 1992 as a service to the Information Industry. Additional copies may be obtained from the National Engineering Consortium, 303 East Wacker Drive, Suite 740, Chicago, Illinois 60601*

## Introduction and Purpose

Most of us are now aware of the fact that mounting problems with the loss of market-share by U.S. technology-intensive industries have raised serious questions about the strength of these industries and the implications for America's economic well-being and national security. The challenge to solve these market and transition problems appears to be made more difficult given the concurrent challenge to adopt to the rapidly evolving globalization of the U.S. economy.

Many of us are also aware of the fact that we are becoming increasingly dependent on information in all its forms as we grapple with the challenges of sustainable development and related inter-generational problems. We are dependent on both information and telecommunications for economic growth, for our individual welfare and for the survival of industry, business, political systems and likely...for the very survival of the human species.

Taken together, these circumstances present a formidable challenge to the nation in general, and to the Information Industry in particular...they present tremendous opportunities as well. The business and academic sectors of the Information Industry are positioned uniquely to respond to both the challenge and the opportunities, as well as to make significant contributions to the economic vitality and overall well-being of the nation and the quality of life of its citizens. The purpose of this paper is to outline such a response with a call to action.

## The Problems Before Us

**Competitiveness** – “America faces the difficult task of learning how to compete in a new world economy just at a point when America's economic strength is weaker than it has been at any time since World War II.” So wrote Lester Thurow, Dean of MIT's Sloan School of Management in *The Zero Sum Solution*, a mid-eighties wake-up call.<sup>1</sup> Without question, this is an age of rapid and ubiquitous change where the world and our competitors appear to be redefined on a daily basis. Nonetheless, it is sad to say we still seem to be learning how to compete. Thurow resounded the alarm in *Head to Head*...where he says: “America's tough problem is realizing that there are problems that must be solved.”<sup>2</sup>

**“America's tough problem is realizing that there are problems that must be solved.”**

Lester Thurow  
Dean  
MIT Sloan School of Management

There exists widespread evidence that our nation's technology edge has eroded in one industry after another. For example, the consumer electronics and factory automation industries, birthed in the U.S., have been practically eliminated by foreign competition. Prior to 1992, the U.S. merchant semiconductor industry had shifted from dominance to a distant second in world markets with foreign competitors aiming to replicate this scenario in computers and telecommunications.

**Figure 1**  
**Critical Generic Technologies Driving U.S. Competitiveness In The Information Industry**

| Information Technologies   | Electronic Components  |
|--|--|
| <p><b>Software</b><br/> <b>Strong</b> in Applications Software, Artificial Intelligence, Computer Modeling and Simulation, Expert Systems, High Level Software Language, Software Engineering</p> <p><b>Computers</b><br/> <b>Strong</b> in Neural Networks, Operating Systems, Processor Architecture<br/> <b>Competitive</b> in Hardware Integration</p> <p><b>Human Interface and Visualization Technologies</b><br/> <b>Strong</b> in Animation and Full Motion Video, Graphics Hardware and Software, Handwriting and Speech Recognition, Natural Language, Optical Character Recognition</p> <p><b>Database Systems</b><br/> <b>Strong</b> in Data Representation, Retrieval and Update, Semantic Modeling and Interpretation</p> <p><b>Networks and Communications</b><br/> <b>Competitive</b> in Broadband Switching, Digital Infrastructure, Fiber Optic Systems, Multiplexing</p> <p><b>Portable Telecommunications Equipment and Systems</b><br/> <b>Strong</b> in Transmitters and Receivers<br/> <b>Competitive</b> in Digital Signal Processing, Spectrum Technologies</p> | <p><b>Microelectronics</b><br/> <b>Strong</b> in Microprocessors<br/> <b>Competitive</b> in Logic Chips, Submicron Technology<br/> <b>Losing badly or lost</b> in Memory Chips</p> <p><b>Electronic Controls</b><br/> <b>Competitive</b> in Sensors<br/> <b>Weak</b> in Actuators</p> <p><b>Optoelectronic Components</b><br/> <b>Weak</b> in Laser Devices, Photonics</p> <p><b>Electronic Packaging and Interconnections</b><br/> <b>Losing badly or lost</b> in Multichip Packaging Systems, Printed Circuit Board Technology</p> <p><b>Displays</b><br/> <b>Losing badly or lost</b> in Electroluminescent, Liquid Crystal, Plasma and Vacuum Fluorescent</p> <p><b>Hardcopy Technology</b><br/> <b>Weak</b> in Electro Photography, Electrostatic</p> <p><b>Information Storage</b><br/> <b>Strong</b> in Magnetic Information Storage<br/> <b>Losing badly or lost</b> in Optical Information Storages</p> |

Source: Council on Competitiveness

The U.S. position in critical technologies has been studied by the private sector Competitiveness Council chaired by Motorola Chairman George Fisher. Information Technologies and supporting Electronic Component Technologies were clearly identified as drivers of economic growth and competitiveness in their 1991 report *Gaining New Ground*.<sup>3</sup> According to the report, U.S. Information Technologies range from strong to competitive in all measured areas. However, this position of strength is compromised by considerable weakness in critical supporting technologies in Electronic Components (as shown in Figure 1). Our comparative advantage is thus vulnerable to attack by foreign competitors.

Another compelling argument to this effect has been made by Ian Ross, President, Emeritus, AT&T Bell Laboratories.<sup>4</sup> Based on our current dilemma, Ross called for a reordering of our national priorities with leadership in high-tech industry as a national goal. He also called for adequate investment in high-tech industry and for industries to cooperate in the pre-competitive phases of their activities while competing vigorously in the world marketplace. A summary of our search for a national technology strategy was provided by National Academy of Engineering President Robert W. White in his September 22, 1992 President's Address.<sup>5</sup>

**Vision** – A root problem is the lack of a shared national vision and a high-technology agenda for the Information Age and Beyond. An ancient biblical proverb says: “Without a vision, the people will perish.” Put another way, vision is critical to our very existence...even as business and academic organizations. We in the Information Industry have achieved a great deal over the last few years. However, many of us have come to know that achieving our vision implies more than just winning on financial results alone. It means being a leader and striving for excellence in all our undertakings. In particular, it means doing leadership types of things in our relationships with our major stakeholders: our employees, our customers, our suppliers and the communities in which we live and work. Within the context of Ross' appeal, it would also mean striving for excellence in our pre-competitive relationships.

This moment in time presents an opportunity to reflect on these hallmarks of leadership... to be both critical and creative and so begin to frame an Information Industry Vision, a shared vision with an ennobling purpose for our business and academic enterprises to play a leading role in reshaping our nation and the world as well... a purpose that can not only help define the industry for the decade of the 90s and beyond, but perhaps more importantly, inspire each and everyone of us, our families, customers, and even those in other industries.

**Public Awareness** – A corollary problem is the general lack of public awareness of the potential benefits of Information Age Technologies. Public enlightenment is the key to gaining support and influencing public policy for a high-technology agenda. We need to tell the public a coherent and believable story... a story that goes beyond deregulation, liberalization, privatization, competition and technology revolution... as important as each of these may be. Not only does the public need to know the tremendous value of information management and telecommunications to the whole of today's society, but also to their applications for solutions to national as well as global problems and the leadership role that we, the Information Industry, can play in the creation of our common future.<sup>6,7</sup>

## The Information Industry

The information world of 2000 and beyond will be far different from the world of 1993. In less than ten years, new technologies, services and applications will enable major changes, transforming how our entire society operates.<sup>8-13</sup> These changes will catalyze a structural redefinition of the entire Information Industry and the services provided by the various industry sectors.<sup>14,15</sup> They will also provide challenges and opportunities for every individual and organization in the Information Industry.

Presently, the U.S. Information Industry is in a period of transition and transformation...attempting to respond to both its challenges and its opportunities. Unfortunately, this response has been impeded by the business sector's predominant focus on short-term, bottom line performance.

***“U.S. lead in telecommunications is eroding rapidly and lagging behind other industrial nations...”***

USC Center for Telecommunications Management

A recent study by the University of Southern California's Center for Telecommunications Management (USC/CTM) finds the U.S. long-held lead in telecommunications is “eroding rapidly” and lagging behind other industrial nations in a number of key areas.<sup>16</sup> Worse yet, considerable divisiveness and mistrust amongst the various players has led to a state of

gridlock with almost all players unwilling to advance beyond the status quo until their future prosperity is assured. A great deal of energy and precious resources are expended in efforts that are at cross-purposes...we need only look to the number of conflicting pieces of legislation before the U.S. Congress. A continuation of this scenario by entrenched special interests could result in a languishing, possibly stillborn, market or a situation where the combatants fight over who gets what part of the market left by foreign competitors.



Additionally, U.S. Telecom companies are now in the process of reducing their research infrastructures, thereby contributing to the threat to the future of the entire industry. This is regrettable since the ability of the U.S. research community to sustain continuous innovation, create as well as improve products, systems and processes is critical to our national well-being, and to effective U.S. contributions to the world's value added supply chain... ranging from natural resources to end use items. This is particularly true with respect to commercial, mass market end items and infrastructure for the Information Age as opposed to defense related items.

From the university perspective this is a time of great stress. Budgets are tight and demands are increasing with some universities concerned about their very survival. Graduate programs are finding it more difficult to find resources, especially research support. Unfortunately, most university research is government funded as industrial support has all but vanished in many areas.

A key finding reported by the Council on Competitiveness is that America's Research Universities constitute a great national asset, but their focus on technology and competitiveness is limited.<sup>3</sup> The report goes on to recommend that universities develop closer ties with industry so that education and research programs contribute more effectively to the real technology needs of the manufacturing and service sectors...all while keeping their basic research programs strong.

***“America's Research Universities constitute a great national asset, but their focus on technology and competitiveness is limited”***

Council on Competitiveness

Industry relationships are growing, but robust relationships between academia and industry have yet to be developed. A partial explanation involves research university disillusionment with industry...occasioned by industry's persistent focus on the short-term. According to University of Illinois at Urbana-Champaign Professor Timothy Trick, the short-term views of industry cannot and should not be imposed upon universities.<sup>17</sup> We believe that a salient component of the solution to the Information Industry's problems will lie in the answer to the key question: How can university research resources be strengthened and utilized to focus effectively on Information Industry futures? There seems to be a need and fit, but awareness, leadership and vehicles are required.

## **A Window Of Opportunity**

The change in our Washington Administration provides circumstances and a situation amenable to vigorous proactive leadership on the part of the Information Industry...a

window of opportunity. Specifically, in *The Work of Nations*,<sup>18</sup> Secretary of Labor, Robert Reich, the director of economic policy for the Clinton transition team, argues that the only policy that will benefit all Americans is for government investment in two basic assets:

- Human Capital such as education and job training
- Physical Infrastructure ranging from roads and bridges to high-speed railroads and fiber-optic communications.

The rationale is that these assets won't leave the country and that investment in these assets will encourage both U.S. and foreign firms to create jobs in America. The February 22, 1993 Clinton-Gore Technology Policy statement<sup>19</sup> builds on this conceptual framework with the following goals:

- Long term economic growth that creates jobs and protects the environment.
- A government that is more productive and more responsive to the needs of its citizens.
- World leadership in basic science, mathematics and engineering.

According to the statement: “The challenges we face – from our competitors abroad and from our people at home – demand dramatic innovation and bold action that will not just revive our economy now but also ensure our economic growth well into the future. Building America's economic strength through technology demands new initiatives that confront these challenges effectively, efficiently and creatively.” These new initiatives would include:

- Permanent extension of the research and experimentation tax credit.
- Investment in a National Information Infrastructure.
- Accelerated investment in advanced manufacturing technologies.
- Improved technology for education and training.
- Investments in energy-efficient federal buildings.

Furthermore, “This new policy will result in significantly more federal R&D resources going to (pre-competitive) projects of commercial relevance. It will also result in federal programs that go beyond R&D, where appropriate, to promote the broad application of new technology and know-how.” Specific new National Information Infrastructure programs would include:

- Implementation of the High-performance Computing and Communications Program.
- Creation of a Task Force on Information Infrastructure.
- Creation of an Information Infrastructure Technology Program.
- Provision of funding for networking pilot projects.
- Promotion of widespread dissemination of Federal Information.

The overall thrust of this policy has been captured in *Mandate for Change*,<sup>20</sup> a book produced by the Progressive Policy Institute. The infrastructure component of the policy is rooted in legislation developed by Vice President Al Gore. More specifically, this policy is consistent with the Information Infrastructure and Technology Act of 1992 that would ensure the technology developed under the High-Performance Computing Act is applied widely in K-12 education, in libraries, in healthcare and in industry, particularly manufacturing.

## **The Opportunities To Be Seized**

The U.S. has a unique opportunity to accelerate progress on many social, economic, environmental and competitive challenges through the application of information technology. Opportunity abounds for Information Industry related R&D in applications and supporting technologies that are in alignment with the direction outlined above. By focusing on the following interrelated domestic problems we can also take a large step toward strengthening U.S. competitiveness:

**Environment** – To utilize information technology to facilitate environmental clean-up and sustainable development (meeting the needs of the present without compromising the ability of future generations to meet their needs). For example, according to the World Engineering Partnership for Sustainable Development and Henry Hatch, recent Chief of Engineers, U.S. Army Corp of Engineers, sustainable development will likely be the dominant economic, environmental and social issue of the 21st century.<sup>21</sup> Thus, a salient opportunity lies in the development of Information Network and Management Technologies to facilitate the sharing of information to aid in the making of sustainable choices to protect the earth's environment and improve quality of life for generations yet to come. This is the time for creative and constructive coexistence between business and our environment.<sup>22</sup>

***“Telecommuting as an alternative approach to work could help save close to \$5 billion a year in fuel costs and productivity loss”***

California Engineering  
Foundation Report

**Energy** – To help reduce the significant environmental and energy costs associated with the transportation sector, for example, 10 of the 17 million barrels per day of U.S. oil based energy consumption. A recent California Engineering Foundation report, *Transportation Redefined*, claims that telecommuting as an alternate approach to work could help California save close to \$5 billion

a year in fuel costs and productivity loss.<sup>23</sup> On a nationwide basis, Arthur D. Little, Inc. estimates that a reasonable level of telecommuting, ranging from 10 to 20% substitution for

transportation, will provide more than \$23 billion in annual benefits.<sup>24</sup> In addition to energy savings attendant to telecommuting and video conferencing, substantial savings can be realized in both residential and business complexes by virtue of tele-energy management.<sup>25</sup>

**Education** – To help revitalize U.S. education and training as well as to further enhance the free movement of ideas and the dissemination of appropriate learning materials. This involves the development of new and more appropriate learning tools as well as expanded distant learning vehicles to address widespread educational inequities...all based on modern computer and telecommunications technology such as portrayed at the Ameritech SuperSchool Centerpiece Exhibit at SUPERCOMM/ICC '92.<sup>26,27</sup>

**Healthcare** – To contain and reduce exploding costs that have reached 13% of our Gross Domestic Product as well as improve services through tele-healthcare, tele-medicine and other information technologies. Systematic focus on the application of Information Management Technologies that will enable the decentralization of healthcare delivery could decrease costs as well as increase service quality and accessibility. Information Management Technologies can also be used to reduce labor costs by increasing productivity in hospitals and other healthcare delivery settings. They can also improve healthcare services in Rural America.<sup>28</sup> For example, Arthur D. Little, Inc. estimates that these technologies can support home healthcare to the extent that some \$30 billion a year can be saved.<sup>29</sup>

## **Derivative Benefits, Costs and Funding**

There would also be a number of derivative benefits associated with the application of Information Technology to the above focus areas. These benefits would stem from the information highways and service platforms intrinsic to a private sector developed, fiber optic based telecommunications and information infrastructure...linking every home, lab, classroom and business enterprise throughout the land via wired (copper/fiber/cable) as well as untethered wireless (radio/infrared) access. These environmentally sound highways would serve as modern arteries of commerce, education/training and entertainment that would not only provide U.S. businesses with a strong competitive home-base,<sup>30</sup> but would also encourage investment by both domestic and foreign firms. It would also allow us to leverage our competitive advantage in computers, software, microprocessors and wireless systems. Some spin-off benefits would be:

**Job Creation** – An increase in domestic and foreign investment would stimulate the creation of more U.S. jobs. Additionally, the widespread use of tele-business applications would stimulate small business growth with attendant job creation.

**Quality of Life Improvement** – Quality of life would improve especially in major metropolitan areas. This includes public safety, crime reduction and environmental protection as well as helping to bring our disabled citizens into the mainstream of life in our nation.

**Expanded Entrepreneurship** – An expanded number of individuals can be supported by information technology to create personal wealth through entrepreneurship and work-at-home.

**Rural Growth** – Information technology can help re-enfranchise Rural America by “connecting” Rural and Urban America so Rural America fully participates in the economic growth of the nation.

According to the Economic Strategy Institute’s Robert Cohen, U.S. productivity could be boosted and our national output increased by over \$300 billion by 2010 if we replaced copper wires with new fiber optic cables capable of vastly increasing the amount of information transmitted into businesses and homes.<sup>31</sup> Clearly, an advanced, state-of-the-art infrastructure with affordable, widespread accessibility and ease of use would make a significant contribution to the economic vitality and overall well-being of the nation and its citizens. This type of infrastructure would also provide the foundation for an Information Industry vision and agenda.

Further insights into the benefits and issues surrounding the development of an advanced telecommunications and information infrastructure were provided by Bellcore President and CEO George Heilmeier at SUPERCOMM/ICC ’92.<sup>32</sup> (See also Dorros<sup>33</sup>). Chapter 3 of The NTIA Infrastructure Report<sup>34</sup> provides more detailed discussions and a wealth of references on the benefits of such an infrastructure. These and other opportunities, as well as associated costs, are discussed in Business Week’s 1992 Special Issue on Reinventing America,<sup>35</sup> and in a paper by Columbia University Professor Bruce Egan and Northwestern University Professor Steven Wildman.<sup>36</sup>

It is of significance to note that the Egan-Wildman paper also provides a thoughtful treatment of policy considerations related to building a national telecommunications and information infrastructure. It is one of numerous Annual Review papers commissioned by the Institute for Information Studies to explore the larger all-encompassing issues that face people, in all aspects of their lives, as they are confronted with an ever increasing array of Information Age technologies and applications.

The real challenge in developing an advanced telecommunications and information infrastructure is not technology and how to make it work, but rather how to apply technology to solve the complex interrelated problems facing the nation as well as the global community...these

solutions/applications will fuel the modernization and growth of the infrastructure. Funding and widespread affordable access are the salient issues. Carol Wilson captured the essence of these issues in an October 1991 Telephony editorial:<sup>37</sup> “In the U.S., for example, there is the urgent need to determine how to fund the modernization of the public network infrastructure in a competitive market. Otherwise, we run the very real risk of building massive network overlays that bring the information age only to large corporations, universities and branches of government.”

Some argue that the funding should come from the government while others argue for funding by the private sector. The USC/CTM report<sup>16</sup> shows the present U.S. approach to network modernization to be in sharp contrast to programs in Europe and Japan where the role of the public sector is emphasized in the development of plans, strategies and standards for implementing public network infrastructure. According to the report, the U.S. approach: “has resulted in delays in implementing new infrastructure in contrast to other nations...while the U.S. is fostering a wave of entrepreneurial ventures that are pioneering new technologies and practices, other countries emphasize the role of existing carriers in implementing infrastructure development programs.” The report goes on to state that: “Regulatory conditions strongly contribute to the low investment levels and long capital recovery periods in the U.S.”

*“Competition and cooperation may seem antithetical; but, at some very deep level, they are two sides of the same coin.”*

John H. Holland  
University of Michigan  
Complexity, 1992

According to the Progressive Policy Institute, the daunting price, \$100 to \$400 billion, can be paid without resorting to public spending.<sup>20,25</sup> This would be accomplished by “regulatory changes that encourage electric utilities to become investors in this new system, along with the local phone companies and perhaps cable television companies. New federal legislation could provide guidelines for state utility commissions (which already regulate both phone and electric utilities) to allow and encourage such joint ventures.” In their recent book, *Computer Wars*, Charles Ferguson and Charles Morris state their belief that the federal government should play the leading role in getting such a network installed and that it can be done without doing violence to traditional American government-industry responsibility.<sup>38</sup>

## What To Do?

This is a unique and potentially transforming moment in the evolution of the Information Industry...the challenges, opportunities, requisite technologies and timing have never been in closer alignment. Based on the present industry

environment, it would seem that we need to focus initially on satisfying the obvious and immediate need for dialogue... to lift the level of current debate so as to better focus our energies by seeking common ground and working together on a cooperative basis. The ultimate aim would be to harness and then utilize the full capacity of the business and academic sectors of the Information Industry to address the nation's significant challenges and opportunities. This aim would also appear to be in the enlightened and collective self-interest of all Industry stakeholders, as well as the general public.

The recommended approach would be based on the creation of forums by the National Engineering Consortium among others. These forums would serve as clarion calls to the Information Industry's business and academic elite to begin the process of creating a shared industry vision with a corresponding high technology agenda and strategic action plans. The agenda would address the most compelling transition imperatives in our industry while the action plans would be aimed at shaping and leveraging these transitions for the future. First and foremost among these transition imperatives would be the building of an advanced national telecommunications and information infrastructure...the obvious focal point for the vision and agenda.

These forums would also serve to: Catalyze an Information Industry R&D policy agenda that is in harmony with the nation's socio-techno-ecologic-economic policy direction (c.f. Clinton-Gore<sup>19</sup>), assure closer ties between universities and industry, promote an increase in public awareness, as well as serve as a role model for action in other critical technology areas. The overall objective of this cooperative effort would be the development of a national consensus among the nation's largest non-government R&D policy makers to focus their efforts within a common framework and provide leadership to ensure that the U.S. does not regress, but rather, drives forward to achieve the full potential of a new era.

This call to action initiative was proposed by Northern Telecom President Gerry Butters, at a meeting of academic

and business leaders at NCF92. The intent was to expand upon his appeal to the Information Industry at SUPERCOMM '91 for industry-wide efforts to assure realization of the promise and potential benefits of Information Age technologies.<sup>39,40</sup> The spirit of the proposal is best stated in his closing remarks: "We're in the closing innings of the Information Age. We should be marshaling all of our collective energies and strengths toward the common goal of realizing the potential of our era, and not let it slip away. We will be the first people in history to experience the beginning and the end of an economic era. No people have ever had the power to shape the future as we do now. We need move in a concerted fashion to assure that the power of information management technologies are applied with vigor to the travails of the Industrial Age, and not lost in the fray of political rhetoric."

***"No people have ever had the power to shape the future as we do now"***

Gerald Butters  
President  
Northern Telecom, Inc

### **What is Being Done?**

It is worth noting that the initiative echoes Motorola Executive Committee Chairman Bob Galvin's call over two years ago, for the private sector to chart a course to navigate the challenges ahead.<sup>41</sup> Galvin called for a technology roadmap to stimulate a clearer vision of future needs that would, in turn, stimulate private sector outreach and investment in long-term growth...all leading to greater wealth creation in America (see Figure 2).

The current U.S. business environment is encouraging consortia and combined efforts to solve problems and pursue opportunities. The U.S. has a unique resource and comparative advantage over foreign competitors in its research universities. Universities offer cost effective resources for their programs. Many would welcome real industry commitment and partnering arrangements. The longer term view and corresponding investment associated

**Figure 2**  
**Galvin's Proposed American Agenda**

Motorola's Bob Galvin says his proposed American Agenda of Private Sector Industrial Intents & Initiatives can help America accomplish the extraordinary in the future. From that concept would come the creation of a Private Sector Board of Intents & Initiatives, a catalyst for ushering in the development of grand new ideas. Galvin offered these examples of

- A national policy to encourage all businesses to apply for the Malcolm Baldrige National Quality Award.
- A national policy to link the U.S. through fiber-optic cable.
- The allocation of space on terrestrial cable facilities to all TV stations.
- A major laboratory, on the scale of the Bell Telephone Laboratories, for "the next eras of technology."
- A "technology road map" for America.
- Control of the drug problem.
- A fundamental reexamination of the American enterprise system.

with all opportunities must be seen as inter-related national and business imperatives that will benefit each of the stakeholders.

This need is not unrecognized. To ensure the United States' ability to effectively draw upon its leadership in research and development and to maintain our competitive edge in the global marketplace, CORETECH, the Council on Research and Technology, has issued several recommendations for 1993.<sup>42</sup> Briefly, CORETECH recommends that the Administration and Congress work together and with the research community to accomplish the following in 1993:

- Make the R&D tax credit permanent and strengthen it to enhance its effectiveness as a business growth incentive.
- Remove disincentives to investment in U.S. research and development by providing a permanent solution to Treasury Regulation 861-8.
- Renew the federal commitment to increased support for basic research and advanced education.
- Increase federal support of research and development directly relevant to industrial competitiveness.
- Create strong linkages between government-funded applied and basic civilian research activities.

Over the past two and a half years, The United States Telephone Association (USTA) has issued its Vision 2000, its report on Public Policy Requirements to Achieve Vision 2000 and its Technology Vision.<sup>43</sup> These three documents outline the benefits Local Exchange Carriers (LECs) can offer our nation by deploying advanced network technologies, identify changes required in public policy to enable that deployment and outline the specific new technologies that hold the greatest promise for network advancement as we enter the 21st century. The USTA Technology Vision outlines the technological foundation for a new marketplace, in terms of what technology can enable for the LEC public network and, for that matter, for the networks of others.

With respect to the Computer Sector, CSPP, the Computer Systems Policy Project, chaired by Apple Computer Chairman John Sculley, recently published their vision and recommendations for action on the National Information Infrastructure (NII).<sup>44</sup> A companion video illustrates demonstrations on how the NII will provide benefits in education, healthcare, scientific research as well as in business and industry. In the video, Sculley calls upon the new Administration and the new Congress: "to work with us and other industries to make the NII a national priority and building it a national challenge, to dedicate the government resources needed to coordinate this effort, to work with industry on key public policy issues and to pursue an ambitious research agenda including demonstration projects to provide the foundation for the NII."

Figure 3 provides a summary of the CSPP recommendations. Additionally, CSPP believes that public policy principles covering the following areas must be addressed jointly by the private sector and government before the information infrastructure of the future can become a reality: Access, First Amendment Rights, Privacy, Security, Confidentiality, Affordability, Intellectual Propriety, New Technologies, Interoperability, Competition and Carrier Liability. Each of these NII public policy issues is outlined in the referenced CSPP report.

A number of models exist for cooperative efforts. Sematech, Semiconductor Research Center (SRC), Microelectronics and Computer Technology Corporation (MCC), Electric Power Research Institute (EPRI), and Bellcore are examples of varying applicability. It is of significance to note that the U.S. moved slightly ahead of Japan in 1992 in total semiconductor sales.<sup>45</sup> This can be seen as a good example of how semiconductor industry cooperation along with SRC and Sematech turned the situation around.

The July 1992 cross-industry business development forum initiated by the Information Industry Association was a

**Figure 3**  
**Summary of CSPP Recommendations**

| <u>Administration Agenda</u>   | <u>Legislative Agenda</u>   | <u>Industry Agenda</u>   |
|--|---|--|
| <ol style="list-style-type: none"> <li>1. Make the NII a National Technology Challenge</li> <li>2. Establish a National Information Infrastructure Council</li> <li>3. Establish an NII Implementation Entity</li> <li>4. Invest in Research for an NII</li> </ol> | <ol style="list-style-type: none"> <li>1. Authorize a National Information Infrastructure Council and Appropriate Funds for its Operation</li> <li>2. Authorize and Appropriate Funds for Research and Technology Demonstrations</li> </ol> | <ol style="list-style-type: none"> <li>1. Continue Investments to Develop and Deploy an NII</li> <li>2. Continue to Invest in Research and Development of Applications</li> <li>3. Reach Out to Other Industries</li> <li>4. Promote NII Efforts</li> <li>5. Develop and Participate in Pilot Projects</li> <li>6. Develop NII Goals and Milestones</li> </ol> |

Source: CSPP

notable step forward in bringing together the telephone, cable, TV, information services and newspaper publishing sectors to explore business development opportunities.<sup>46</sup> Additional examples of relevant industry cooperation can be found in the Transcontinental ISDN Project 1992 (TRIP'92) demonstration this past Fall and the ongoing work on standards, as for example by the Corporation for Open Systems (COS), the ATM and Frame Relay Forums as well as the April 1992 Americas Telecommunications Standards Symposium driven by the TI Committee of the Exchange Carriers Association. Still, other examples of cooperative efforts involve the work of the Federal Communications Commission's Network Reliability Council and the General Magic partnering arrangement with AT&T, Sony, Motorola, Philips and Matsushita. The latter group is promoting an "intelligent" messaging system that aims to provide easy to use, palm top network access by untethered personal communicators. All of these efforts demonstrate both the necessity and power of industry-wide cooperation... cooperation that need be expanded to bring about a world-class national telecommunications and information infrastructure.

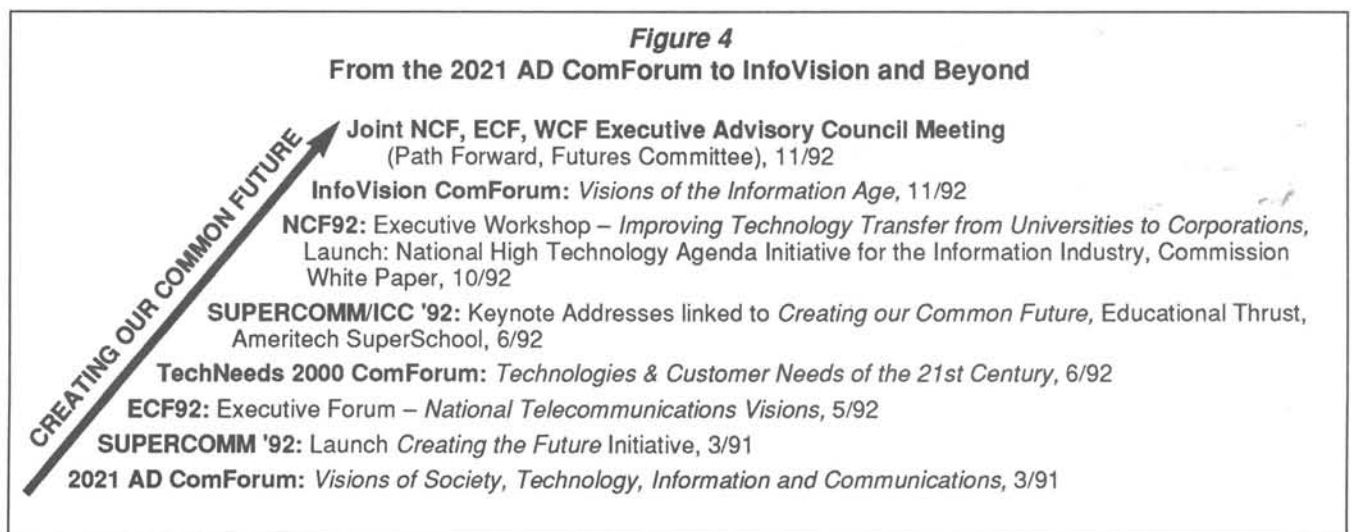
There are about five U.S. National Network initiatives, each demanding a degree of cooperative effort. Worthy of special note, is the emerging cross-industry group organized by Robert Kahn under the auspices of the Corporation for National Research Initiatives (CNRI) to work the technology aspects related to the building of a NII. Lessons on what works and what does not work can be learned from all of these arrangements, the experience of the National Science Foundation and others as well.<sup>47</sup>

The National Engineering Consortium published the monograph *Creating Our Common Future*,<sup>6</sup> that is being used to help provide the context for a high level path forward for the business and academic sectors of the Information and Telecommunications Industry, as for example, the focus on

education and the future at SUPERCOMM/ICC '92. With the support of major corporations and research laboratories, it produced the TechNeeds 2000 Video Forum... a video that provides visualization as to how advanced technology will meet the information needs of tomorrow's users.

The Consortium has focused efforts on bringing people and organizations together to work on a collaborative basis to realize the full potential of the Information Age. A brief, twenty month, history of this activity is portrayed in Figure 4. These activities will be expanded with particular emphasis on university-industry interaction. Socialization of this initiative with potential industry and university participants will continue...both participants need a compelling reason to commit to the program. Further to this end, the Consortium developed the following set of trigger questions to stimulate dialogue:

- How can we motivate the business sector to engage in serious long term thinking and investments?
- How can relationships between Information Industry segments be catalyzed and developed?
- What should be the scope and key components of a high technology agenda for the Information Industry?
- How can university research resources be strengthened and utilized more effectively on Information Industry futures...how can the integrity and the future of the university be strengthened by closer coupling with industry?
- What can we learn from Sematech, SRC, MCC, EPRI, Bellcore, CNRI, NSF/ERCs and the like...how can we capture and share worldwide experiences?
- What core technologies will most likely be required to support high leverage future applications...do we need additional consortia similar to SRC and Sematech in these core technologies and what should be the focus for these?
- What is the best path forward?...next steps?



These questions were addressed at the National Engineering Consortium joint Executive Advisory Council meeting on November 21, 1992 (see Appendix). Input from these and other discussions were factored into an agenda setting process. Specifically, upon the recommendation of the Consortium's Executive Advisory Councils and Future's Committee, a needs based position statement entitled: An Agenda for National Socioeconomic Progress, was prepared (see Figure 5). Reference to the Agenda will show that it embodies the basic concepts outlined in the foregoing. The Agenda and earlier versions of this call to action have been presented to industry CEOs by the Consortium's Executive Advisory Council Members with the ultimate aim of helping the new Administration and Congress maintain focus on technology policy related to the Information Industry.

The background, aims and benefits of this call to action initiative were presented and discussed at the Accreditation Board for Engineering and Technology Annual Meeting and InfoVision ComForum<sup>48</sup> this past fall, and most recently at the Alliance for Public Technology's Third Annual Conference this February. At the latter conference, APT released a policy paper calling for an upgrade of the public telephone network to a Broadband Telecommunications Platform that supports universal, two-way, multi-media applications...and the adoption of such a platform as a national goal.<sup>49</sup>

USTA is now working on a Market Vision for publication next year to further outline the market and public policy implications of new developments in the Information

**Figure 5**  
**An Agenda For National Socioeconomic Progress**

The United States has an exceptional opportunity to accelerate progress on many social, economic, environmental and competitive challenges through information technology benefits. To seize the opportunity, it is imperative that national resources be redirected and focused as soon as possible.

The enormous technology talent of the nation's defense effort can be repositioned to solve major domestic problems. By channeling R&D activity from the military to address the following interrelated domestic problems, a win-win situation will result. Furthermore, only a proactive government policy can guide this transformation process.

The national agenda to redirect military R&D talent and resources to domestic issues will be best served by focusing on the following:

**Education** – How can we revitalize U.S. education and training through the use of computers, distance learning and other information technologies?

**Healthcare** – How can healthcare costs be substantially reduced and services improved by tele-healthcare, tele-medicine and other information technologies?

**Environment** – How can information technology be utilized to facilitate sustainable development and environmental clean-up?

**Energy** – How can we reduce the use of fossil fuel based energy through the use of tele-commuting, video conferencing and other information technologies?

There would also be a number of derivative benefits associated with the application of Information Technology to the above focus areas. These benefits would stem from the information highways and service platforms intrinsic to a private sector developed, fiber optic based telecommunications infrastructure... linking every home, lab, classroom and business enterprise throughout the land. These highways would also serve as modern arteries of commerce, education/training and entertainment that would encourage investment by both domestic and foreign firms, and so create additional jobs in the United States.

Some spin-off benefits would be:

**Job Creation** – An increase in domestic and foreign investment would stimulate the creation of more U.S. jobs. Additionally, the widespread use of tele-business applications would stimulate small business growth with attendant job creation.

**Quality of Life Improvement** – Quality of life would improve especially in major metropolitan areas. This includes public safety, crime reduction and environmental protection.

**Expanded Entrepreneurship** – An expanded number of individuals can be supported by information technology to create personal wealth through entrepreneurship and work-at-home.

**Rural Growth** – Information technology can reduce the gap between Rural and Urban America so Rural America fully participates in the economic growth of the nation.

These opportunities to address our country's most pressing problems with the full force of the Information Industry can only be realized if information providers, service companies, manufacturers and research universities are assisted by forward looking government policies that reduce restrictions and concentrate research efforts.

We must accelerate research in university, industry and government laboratories on human interfaces, software, optical components, energy storage technologies and other areas identified by the Private Sector's Council on Competitiveness.

Increased research coupled with closer university-industry links to applications will have substantial impacts on our nation's economic and social needs.

The National Engineering Consortium offers to help promulgate a clarion call to action on this agenda and to facilitate progress through its unique relationships with major U.S. Research universities, and information industry corporations.

Industry. The CNRI coordinated NII cross-industry working team is in the process of developing its charter and prioritizing proposed activities while, CSPP and APT are promulgating their visions and recommendations. The Council on Competitiveness is launching a concurrent 21st Century Information Infrastructure Program co-chaired by the former Hewlett-Packard president and CEO John Young and MIT President Charles Vest. By the very nature of its membership, the Council is well positioned to launch this program.

## **The Path Forward**

Notwithstanding the substantial agreement in direction and considerable efforts described above, as well as the criticality of a strong Information Industry and an advanced telecommunications and information infrastructure to the economic health of the nation, the perceived benefits to stakeholders must be applicable to their enterprise. Therefore, our focus has been to complement corporate and university agendas such as their own customer focus, total quality management, outsourcing, right sizing and overall cost reduction programs as appropriate. Again, the longer term view and corresponding investments must be seen as a business as well as a national imperative that will benefit all of the participants. These aims and benefits are being reflected throughout the course of this effort to help mobilize the Information Industry.

A rolling action register is under continuing development by the National Engineering Consortium working in conjunction with already committed business and academic leaders. Our aim is to produce an action oriented agenda based on a thorough discussion of the problems and opportunities associated with the overall initiative from the perspective of industry and university participants. Our intent is to take maximum advantage of prior efforts at collaboration, as well as the work of USTA, APT the Council on Competitiveness, CNRI, IIS, CSPP, CORETECH and others.

In working this call to action, we have found numerous parties with interests in the establishment of an advanced telecommunications and information infrastructure. It should be no surprise that each party comes with its own agenda. The problems are complex and the task formidable. Without doubt, an all out effort will be required by the entire Information Industry with hard choices to be made along the way. All parties will need to work together if we are to build consensus on a coherent and credible story spanning benefits, costs, roles, missions, strategies, tactics, timing and the like. This story need be capable of influencing key decision makers in both private and public sectors re the inherent wisdom in a high-technology agenda keyed to the development of an advanced national tele-communications

and information infrastructure. Hopefully, the process of consensus building will be well established prior to a national summit on telecommunications suggested by President Clinton at his economic summit this past December. Establishment of the White House Task Force on Information Infrastructure should provide strong encouragement for developing a consensus building process.

The challenge before us is to enable pre-competitive collaborative work for the long-term common good. To do this, we need to foster cooperative efforts by establishing common ground and a basis for mutual trust as well as a willingness to transcend vested self-interests. The National Engineering Consortium will continue to respond to this challenge by seeking better ways to catalyze joint activities, and by supporting related efforts so as to minimize overlap and maximize synergy.

***“We need to foster cooperative efforts, by establishing common ground and a basis for mutual trust as well as a willingness to transcend vested self-interests”***

## **Summary**

The opportunity to address our country’s most pressing problems with the full force of the Information Industry can only be realized if information providers, service companies, manufacturers and research universities work cooperatively and are assisted by forward looking government policies that reduce restrictions and encourage private sector investment as well as concentrate research efforts on the most compelling industry transition imperatives. First and foremost among these transition imperatives would be the building of an advanced national telecommunications and information infrastructure.

An advanced state-of-the art infrastructure with affordable, widespread accessibility and ease of use would make a significant contribution to the economic vitality and overall well-being of the nation and its citizens. This type of infrastructure would also provide the foundation for a shared Information Industry vision and agenda... accelerating its deployment would indeed be a Grand Challenge to the industry’s business and academic sectors.

We must also accelerate research in university, industry and government laboratories on human interfaces, software, optical components, energy storage technologies and other areas identified by the Private Sector’s Council on Competitiveness among others. Increased research coupled with closer university-industry links to applications will have a substantial beneficial impact on our nation’s social, economic, environmental and competitive problems.



We in the National Engineering Consortium are encouraged by the positive feedback and commitment we have received thus far. We see this initiative to help mobilize the Information Industry as a great opportunity and look forward to working with other committed parties. Let us seize the moment and really begin to work together to help create the 21st century.

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Frank G. Splitt is Vice President Emeritus, Educational and Environmental Initiatives, Northern Telecom Inc., and a Senior Fellow of Northwestern University's Center for Information and Telecommunications Technology. He has served as a Vice President of Northern Telecom Inc.

with management responsibilities through a variety of positions in technology planning, technical marketing, and engineering.

Dr. Splitt's engineering experience includes outside plant products, information systems, spread spectrum communications, radar, sonar, direction finding systems, and television. He received his B.S.E.E. from the Fournier Institute of Technology, and M.S. and Ph.D. degrees in Electrical Engineering from Northwestern University.

Splitt, an IEEE fellow and a Director of the National Engineering Consortium is a member of the ABET Industrial Advisory Council. He serves Northwestern University as a member of the Robert R. McCormick School of Engineering and Applied Science Advisory Council. He also serves on the University of Illinois College of Engineering Advisory Board.

## Appendix: National Engineering Consortium Advisory Council Members

|  |   |   |  |   |   |
|--|---|---|--|---|---|
| Richard W. Amman<br>Assistant Vice President<br>Bell Atlantic                              | Ambrose W. Clay<br>Vice President<br>AG Communication Systems                                   | Frederick R. Fromm<br>Senior Vice President<br>Siemens Stromberg-Carlson            | Marlin J. Kaplan<br>Vice President<br>US Sprint/United Telecom                       | David E. Orr<br>President & Chief Executive Officer<br>Alcatel Network Systems    | David J. Smith<br>President<br>JWP Information Systems                        |
| Bengt Anderen<br>Regional Vice President<br>Ericsson Network Systems                       | Anthony R. Cobbe<br>Managing Director<br>GPT Telecommunications Systems<br>Group                | Ronald C. Garavalla<br>Director<br>GTE  | Larry G. Kappel<br>Vice President<br>U S WEST Advanced Technologies                  | A.L. Pechynski<br>Vice President<br>Raynet Corporation                            | Richard K. Snelling<br>Director & Chief Executive Officer<br>GCATT            |
| Kathryn J. Anderson<br>Vice President<br>AT&T Network Systems                              | Robert J. Collins<br>Vice President, Director & Region<br>Manager<br>Telephone & Data Systems   | Daniel Gatti<br>Executive Vice President<br>Aptec Computer Systems                  | Neven Karlovac<br>Senior Vice President & General<br>Manager<br>Telco Systems, Inc.  | Mario A. Padilla<br>Operations Vice President<br>AT&T                             | Steven R. Snow<br>Regional Vice President<br>Alcatel Network Systems          |
| Lawrence T. Babblo<br>Chairman, President & CEO<br>Bell Atlantic Enterprises International | Joseph S. Colson<br>Switching Systems Vice President<br>AT&T Bell Laboratories                  | Richard H. Goldberg<br>President & CEO<br>Synon Corporation                         | William N. Kashtul<br>Regional Marketing Vice President<br>Northern Telecom Inc.     | Stephen F. Panyko<br>Vice President and General Manager<br>Rockwell International | Frank G. Spillit<br>Vice President, Emeritus<br>Northern Telecom Inc.         |
| Donald S. Baker<br>President<br>The Baker Group, Inc.                                      | Martin Cooper<br>Chairman & Chief Executive Officer<br>Dyna, Inc.                               | John B. Gordon<br>General Manager<br>GTE Mobilnet, Inc.                             | A. Thomas Kelly<br>President<br>SNET Systems, Inc.                                   | Rajendra Patel<br>President & CEO<br>NAC, Inc.                                    | Marie-Monique Steckel<br>President<br>France Telecom, Inc.                    |
| George A. Barletta<br>Vice President<br>NYNEX Telesector Resources Group                   | John A. Craig<br>President<br>Northern Telecom Europe Limited                                   | Michael A. Graves<br>Vice President<br>Sun Microsystems, Inc.                       | Douglas E. Kelly<br>Vice President<br>MCI Telecommunications Corporation             | M.L. Peterson<br>Vice President<br>Northern Telecom Inc.                          | Robert S. Steen<br>Director<br>IBM Corporation                                |
| Joe R. Bass<br>Regional Vice President<br>Alcatel Network Systems                          | E. Van Cullens<br>Senior Vice President<br>Siemens Stromberg-Carlson                            | Richard R. Green<br>President & CEO<br>CableLabs                                    | Robert Kennel<br>Vice President<br>Northern Telecom Inc.                             | Roger L. Plummer<br>President & CEO<br>Ameritech Information Systems, Inc.        | Robert E. Stirling<br>General Manager<br>Hewlett-Packard Company              |
| John O. Becker<br>Vice President<br>Motorola Inc.  | Frederick D. D'Alessio<br>President and CEO<br>C & P Telephone - Maryland                       | Bryan Grummon<br>President & CEO<br>Aptec Computer Systems                          | Kalleah C. Khanna<br>Senior Vice President<br>The CIT Group                          | Edward M. Prell<br>Switching Systems Vice President<br>AT&T Bell Laboratories     | Christopher B. Strunk<br>Regional Vice President<br>DSC Communications        |
| E. Craig Bender<br>Vice President<br>Integrated Network Corporation                        | Harold E. D'Orazio<br>Senior Vice President<br>Motorola Noriel Communications Co.               | Jack L. Hancock<br>Executive Vice President<br>Pacific Bell                         | Charles D. Kisaner<br>President and CEO<br>Aristacom International Inc.              | Gordon T. Ray<br>Executive Vice President<br>NEC America, Inc.                    | James W. Styrring<br>Vice President<br>AT&T Network Systems                   |
| Michael J. Birck<br>President<br>Telabs Operations, Inc.                                   | Brian P. Davis<br>Regional Marketing Vice President<br>Northern Telecom Inc.                    | Gary J. Handler<br>Vice President<br>Bellcore                                       | James J. Kropf<br>President Central Nevada/Texas<br>Centel Corporation               | Robert N. Reed<br>Vice President<br>Alcatel Network Systems                       | Adolfo Suarez<br>Vice President - General Manager<br>Telefonica de Espana     |
| Peter K. Bohacek<br>Director<br>Tandem Computers Inc.                                      | Edward A. Davis<br>Switching Systems Vice President<br>AT&T                                     | Jeremiah J. Hanley<br>Vice President<br>AT&T  | Paul A. Lacouture<br>Vice President<br>New England Telephone                         | Frank D. Reese<br>President<br>North Pittsburgh Systems, Inc.                     | Jan H. Suwnald<br>Executive Vice President<br>Corning, Incorporated           |
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| James K. Brewington<br>President<br>AT&T   | Bruce R. DelMaeyer<br>President<br>Great Western Teleconsulting                                 | Anton Haasholzer<br>President & CEO<br>Siemens Stromberg-Carlson                    | Daniel W. Latham<br>Senior Vice President<br>Racal-Milgo                             | Charles W. Ricker<br>Vice President<br>TDS Telecom                                | Robert J. Thrasher<br>Executive Vice President<br>& COO<br>New York Telephone |
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| Martin M. Bronstein<br>Senior Vice President<br>First Chicago                              | Richard M. Donofrio<br>Group Vice President<br>SNET   | Patrick J. Hogan<br>Regional Vice President<br>Northern Telecom Inc.                | Eugene B. Lotochinski<br>Vice President<br>Northern Telecom Asia/Pacific             | Leland W. Schmidt<br>Vice President<br>GTE Telephone Operations                   | Hyde Tucker<br>Vice President<br>Bell Atlantic                                |
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| William F. Buehler<br>Senior Vice President<br>Xerox Corporation                           | Chris M. Earnshaw<br>Managing Director<br>British Telecom                                       | Seth Homayoon<br>Vice President<br>Northern Telecom Inc.                            | Michael L. Margolis<br>Vice President<br>Ericsson Network Systems Inc.               | Richard L. Schwob<br>Vice President<br>Reliance Comm/Tec                          | Bruce R. VanNess<br>Director<br>Amdahl Corporation                            |
| Walter J. Burmeister<br>Chairman<br>T M Group  | Loren G. Eaton<br>Vice President, General Manager<br>Teradyne, Inc.                             | Rudolph E. Homacek<br>Vice President<br>Telephone & Data Systems                    | Karl E. Martersteck<br>Vice President<br>AT&T Bell Laboratories                      | John W. Seesholtz<br>Vice President<br>Bell Atlantic                              | Richard J. Vehlge<br>Vice President<br>Southwestern Bell Telephone            |
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| Michael A. Carroll<br>Regional Vice President<br>Alcatel Network Systems                   | Robert W. Ferguson<br>Vice President<br>New Jersey Bell   | Morimi Iwama<br>Switching Systems Vice President<br>AT&T Bell Laboratories          | David L. Short<br>Vice President<br>Pacific Telesis International                    | Bernard F. Sergesketter<br>Vice President<br>AT&T                                 | Robert M. Wienski<br>Director<br>Sprint                                       |
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| Jay W. Carter<br>Copper Apparatus & Wire Vice<br>President<br>AT&T Network Systems         | Charles E. Foster<br>Group President<br>Southwestern Bell Corporation                           | Douglas K. Jacobs<br>Vice President<br>DSC Communications Corporation               | Timothy L. Skola<br>Vice President<br>Indiana Bell Telephone                         | Richard L. Schwob<br>Vice President<br>Reliance Comm/Tec                          | Bud Wonsiewicz<br>Vice President<br>U S WEST Advanced Technologies            |
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|  |   |   | Bo A. Nilsson<br>Vice President<br>Ericsson Australia                                |   |   |

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## **National Engineering Consortium Affiliated Universities**

Arizona State University  
The University of Arizona  
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University of California at Berkeley  
University of California, Davis  
University of California, Santa Barbara  
Carnegie Mellon University  
Case Western Reserve University  
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University of Colorado at Boulder  
Columbia University  
Cornell University  
Drexel University  
University of Florida  
Georgia Institute of Technology  
Howard University  
Illinois Institute of Technology  
University of Illinois at Chicago  
University of Illinois at Urbana/Champaign  
Iowa State University  
The University of Kansas  
University of Kentucky  
Lehigh University  
Marquette University  
University of Maryland at College Park  
Massachusetts Institute of Technology  
University of Massachusetts at Amherst  
Michigan State University  
The University of Michigan  
University of Minnesota  
University of Missouri–Columbia  
University of Missouri–Rolla  
North Carolina State University at Raleigh  
Northwestern University  
University of Notre Dame  
The Ohio State University  
Oklahoma State University  
The University of Oklahoma  
Oregon State University  
The Pennsylvania State University  
University of Pennsylvania  
University of Pittsburgh  
Polytechnic University  
Purdue University  
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University of Southern California  
Stanford University  
Syracuse University  
University of Tennessee, Knoxville  
Texas A&M University  
The University of Texas at Austin  
Virginia Polytechnic Institute and State University  
University of Virginia  
University of Washington  
University of Wisconsin–Madison

*Earlier versions of this paper entitled A Call To The Business & Academic Sectors of the Information Industry for A National High Technology Agenda were presented by the author at the Accreditation Board for Engineering and Technology Annual Meeting on October 29, 1992, and at the Alliance for Public Technologies 3rd Annual Conference on February 26, 1993. Interim versions have been distributed within academic, industrial, research and government communities for information and comments.*

# Viewpoint

**Northwestern University  
Robert R. McCormick School of  
Engineering and Applied Science  
Tech Partners Office  
Partner's Update, Winter 1993**



Frank Splitt

*Frank G. Splitt is vice president, educational and environmental initiatives, at Northern Telecom. He has had a distinguished career in R & D, teaching, administration, and public service. He is Northern Telecom's Corporate Coordinator for the Tech Corporate Partners Program.*

"America faces the difficult task of learning how to compete in a new world economy just at a point when America's economic strength is weaker than it has been at any time since World War II." So wrote Lester Thurow, dean of MIT's Sloan School of Management, in *The Zero Sum Solution*, a mid-'80s wake-up call.

Without question, this is an age of rapid and ubiquitous change where the world and our competitors appear to be redefined on a daily basis. Nonetheless, it is sad to say we still seem to be learning how to compete. Thurow resounded the alarm in 1992 in *Head to Head*, in which he says: "America's tough problem is realizing that there are problems that must be solved."

Most of us are now aware of the fact that mounting problems with the loss of market share by U.S. technology-intensive industries have raised serious questions about the strength of these industries and the implications for America's economic well-being and national security. The challenge to solve these market and transition problems appears to be made more difficult given the concurrent challenge to achieve sustainable development—meeting the needs of the present,

without compromising the ability of future generations to meet their needs.

Many of us are also aware of the fact that we are becoming increasingly dependent on information in all forms as we grapple with the challenges of sustainable development and related intergenerational problems. We are dependent on both information and telecommunications for economic growth, for our individual welfare, and for the survival of industry, business, political systems, and likely for the very survival of the human species.

Taken together, these circumstances present a formidable challenge to the nation in general and the information industry in particular. They present tremendous opportunities as well. It is believed that the business and academic sectors of the information industry are positioned uniquely to respond to both the challenges and the opportunities.

Sustainable development will be the dominant economic, environmental, and social issue of the 21st century. Engineers as problem formulators and solvers will be at the center of related debates. This will require a fundamental redirection in engineering education. This engineering education must aim to produce engineers who possess sensitivity to the social, cultural, economic, and industrial environment in which they work as well as the competency to accept responsibility for effective societal leadership. Herein lies a great opportunity for educational innovation to help the next generation of engineers learn to design for sustainable development and long-range competitiveness.

Opportunity also abounds for R&D in applications and supporting technologies. For example, a



*Modern computer and telecommunications technology enhances the learning process. Tele-education is an area of opportunity for service and revenue. (Photo by Arnold Zann; courtesy of Ameritech Corp.)*

salient opportunity lies in the development of information network and management technologies to facilitate the sharing of information to aid in the making of sustainable choices. This will be an imperative of our time. We in the information industry should be leading the charge in this and at least three other areas. Each is an example of an opportunity for a significant societal service capable of generating significant revenues:

First, in telecommuting, to help reduce the environmental and energy costs associated with the transportation sector—for example, 10 million of the 17 million barrels per day of U.S. oil-based energy consumption. A recent California Engineering Foundation report, "Transportation Redefined," claims that telecommunicating as an alternate approach to work could help California save close to \$5 billion a year in fuel costs and productivity losses. On a nationwide basis, Arthur D. Little, Inc., estimates that a reasonable level of telecommuting, ranging from 10 to 20 percent substitution for transportation, will provide more than \$23 billion in annual benefits.

Second, in tele-education, to further enhance the free movement of ideas and the dissemination of appropriate learning materials. This involves the

development of new and more appropriate learning tools as well as expanded distant learning vehicles to address widespread educational inequities, all based on

modern computer and telecommunications technology such as portrayed at the Ameritech SuperSchool centerpiece exhibit at Supercomm/ICC '92.

Third, in health care, to contain and reduce exploding costs that have reached 12 percent of our gross national product. Systematic focus on information management technologies that will enable decentralization of health care delivery could decrease costs as well as increase service quality and accessibility. Information management technologies can also be used to reduce labor costs by increasing productivity in hospitals and other health care delivery settings. Arthur D. Little, Inc., estimates that these technologies can support home health care to the extent that some \$30 billion a year can be saved.

It is my view that Northwestern University is particularly well advantaged for a leadership role in this endeavor. The McCormick School, along with its Tech Corporate Partners, working in conjunction with the Kellogg and Medill schools as well as the School of Speech and the Annenberg Washington Program, have the wherewithal to make significant contributions to the realization of each of these opportunities. The time to act is now. Let's seize the moment!

# Advisory Council Appointment

Dr. Frank G. Splitt, Vice President-Technology Planning, Central Region, Northern Telecom Inc., recently received a three year appointment to the Advisory Council for Northwestern University's Robert L. McCormick School of Engineering and Applied Science. The group provides counsel to the Dean on the future focus and thrust of the school. The appointment by Northwestern President Arnold Weber, brings to four the number of Council members who are business leaders from the telecommunications industry. Others are Robert Barnett, President Ameritech Bell Group; David L. Carney, Vice President Customer Support & Operations, AT&T Network Systems; and James McDonald, President Prime Computer, Inc. This group provides the Dean with Department reviews for Electrical Engineering and Computer Science. Splitt also serves on the McCormick School's EECS Department's Advisory Board and as a Program Advisor for Northwestern's Institute for Modern Communications.

On November 9th, Splitt was honored with acceptance in the Tau Beta Pi National Engineering Honor Society as an Eminent Engineer. During his banquet address on the campus of the University of Illinois at Urbana-Champaign, he challenged members of Tau Beta Pi to take up the mantle of leadership for the Information Age. He stated that they would be facing new realities occasioned by the explosive growth of world population with its related environmental, social and economic problems. He went on to say that necessity previously demanded the solution of problems related to science and technology, but now the demand will be for the solution of problems involving human values, attitudes and behavior, as well as, social, political and economic systems.

Splitt also serves on the University of Illinois College of Engineering Advisory Board Executive



**Dr. Frank Splitt, Vice President-Technology Planning**

and Electrical and Computer Engineering Department Committees. He was recognized in the recently published 1990-1991 edition of

*Who's Who in America* for significant achievement and leadership in the field of electrical engineering.

*by Robert Denley*

An excerpt from the November-December, 1990 issue of "The Central Connection," a publication of Northern Telecom Inc.—Central Region, Schaumburg, IL

# McCormick Dimension

Robert R. McCormick School of Engineering and Applied Science  
Northwestern University

Fall 1993

## Two Faculty Fellows appointed

Dean Jerome B. Cohen has named two McCormick Faculty Fellows, a new designation to honor industrial leaders who are working closely with McCormick to improve ties with industry. Frank Splitt is the first McCormick Faculty Fellow in Telecommunications, and Walter B. Herbst is the first Faculty Fellow in Industrial Design.

Splitt, vice president emeritus of educational and environmental initiatives at Northern Telecom Inc., and Herbst, CEO of Herbst LaZar Bell Inc., an industrial design firm, will advise the school on the development of research and educational programs.

"Our increasing contacts with industry are excellent and bring us in touch with individuals of unique engineering talent who interact with the school in a variety of ways," said Cohen. "Splitt has been a valuable asset to our program and will be instrumental in our growing emphasis on telecommunications, while Herbst will be

particularly helpful to our MMM program." The master of management in manufacturing (MMM) program is a joint program of McCormick and the J. L. Kellogg Graduate School of Management (see related stories on pages 1 and 10).

In addition to serving as vice president of Northern Telecom Inc., Splitt has had management responsibilities in a variety of positions in technology, planning, technical marketing, and engineering. He received his bachelor's degree in electrical engineering from the Fournier Institute of Technology and master's and doctoral degrees in electrical engineering from Northwestern.

Herbst has guided his firm to a position as one of the top 10 product development firms in the country. He holds more than 30 patents and is a regular contributor to technical journals. He received a bachelor's degree in industrial design from the University of Illinois and a master's degree in management from Northwestern.



Frank Splitt



Walter B. Herbst



# **The U.S. Information Industry - Creating 21st Century Infrastructure**

*Frank G. Splitt  
McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science*



**NORTHWESTERN  
UNIVERSITY**

**A Spring 1994 Cultural Event Lecture**

**May 10, 1994**

**North Central College  
Naperville, Illinois**

# Topics

- Problem Areas Before Us
- What To Do?
- The Path Forward... Key Steps Along The Way
- The Information Industry
- The Opportunities To Be Seized
- The Benefits To Be Realized
- The Other (Real) Drivers
- The Window Of Opportunity
- What's Been And Being Done

FS 25  
A (11/99)

## Problem Areas Before Us

- Competitiveness
- Vision
- Regulatory & Public Policy
- Public Awareness
- Complexities

FS 3  
A (11/99)



# What To Do?

- Foster Dialogue
- Harness Capacity . . . Broaden Leadership Base
- Create Forums to:
  - Begin Process of Creating Industry Vision - High Technology Agenda and Strategic Action Plans
  - Catalyze an R&D Policy Agenda that is in Harmony with the Nation's Direction
  - Assure Closer University and Industry Interaction
  - Promote Public Awareness
  - Maximize involvement of organizations with established networks aimed at the realization of the same or similar goals
- Create Our Common Future

FS 8  
A (11/9/93)

*The futurist symposium of the decade*

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## **2021 AD: Visions of Society, Technology, Information and Communications**

March 14-15, 1991  
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Aging Issues  
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Demographics  
Economics  
Education - K thru PhD  
Energy Generation/Storage  
Entertainment  
Environment  
Genetic Engineering  
Global Changes  
Government's Role  
Healthcare  
High-Capacity Communications  
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Image Processing  
Language Translation  
Marketing  
Materials  
Massively Parallel Computing  
Neural Connections  
Opto-Electronics  
Personal Communications  
Quality of Life  
Robotics  
Societal Issues  
Spectrum Usage  
Strategic Alliances  
Superconductivity  
Virtual Reality  
Voice Recognition

## Northern calls on industry to raise public awareness

Carol Wilson, Editor

Northern Telecom challenged local exchange carriers last week at SUPERCOMM '91 to mount a major public awareness campaign to prepare their customers for the information age. In a special presentation, Northern asked all stakeholders, including carriers and vendors, to support an effort to survey public attitudes and perceptions about the public network, and then to conduct a multimillion dollar campaign to educate the public on the need to strengthen the U.S. telecom infrastructure. The manufacturer also pledged the first \$100,000 toward conducting the survey and also recommended the creation of a task force, coordinated by the U.S. Telephone Association, to develop a campaign strategy. The task force would issue its findings and recommendations at USTA's national convention in November.

"It's a bold step, but we are ready to take a leadership role to see that it happens publicly," said Gerry Butters, Northern Telecom's executive vice president of marketing and sales for the public network. The source of agency to be used on the belief that public enlightenment is the key to gaining support for building the public network infrastructure to provide ubiquitous information services.

"An enlightened public will support regulatory and public policy changes," Butters told the large audience at his presentation. "An enlightened public will recognize the incentives and benefits of a powerful national network . . . and will demand the personal empowerment that the information age offers."

USTA Chairman John Soderaki praised the overall concept, but said that there are many questions, including logistical concerns, that must first be settled.

Butters said the industry already understands the public network's potential, as do the Fortune 100 companies that are incorporating the same technology into their private networks. The general public may understand what information age technology will do for and to their lives, but they don't have a clear picture of their local telco's role, he said.

"The telco's role is essential to the ubiquity of the technology," Butters commented in an interview. If telcos are

unsuccessful in marshaling support for the public network infrastructure, they may be outspaced by competitors such as the cable TV industry.

Regardless of who takes technology to the masses, the ultimate ability to make information—and the power it brings—widely available will revolutionize our lives and our institutions, including governments, said James Burke, the commentator best known as the author and co-host of the PBS series, Connections.

"It will no longer be a matter of becoming expert" in a given area, Burke commented in a lively address that set the stage for Northern Telecom's proposal.

"The key will be how to maximize what the network will do for you." That means giving people unlimited access to knowledge and to each other, he said.

"In that way you empower the individual in a way we have only talked about," Burke said. "The myth of the individual becomes a reality."

Burke challenged the audience to prepare the public for the greatest information surge in history, eclipsing even the invention of the printing press.

Northern has already approached some of its customers with the campaign proposal, and has found them responsive to the idea, Butters said. He plans to talk both individually and through the Telecommunications Industry Association with other vendors.

Butters conceded that the campaign could be bogged down in bureaucracy or sidetracked by industry divisiveness or other political agendas. "That would



Butters  
is a quick route to death for this idea," he said.

A survey Northern Telecom took during its presentation seemed to justify its concerns. Asked to grade on a scale from 1 (strongly disagree) to 5 (strongly agree), responses averaged 4.7 to a statement that telecommunications has the power to improve conditions in education, medical care, business and personal lifestyles.

Responses averaged 4.0 to the statement that the general public has little understanding of telecom's potential.

However, the statement asking respondents if their companies would financially support an industrywide education effort on telecom averaged only 3.8. About 42% of the respondents were from telcos. □

"An enlightened public will support regulatory and public policy changes, an enlightened public will recognize the incentives and benefits of a powerful national network . . . and will demand the personal empowerment that the information age offers."

Gerry Butters

TELEPHONY / MARCH 25, 1991

## The Path Forward ... Key Steps Along the Way

- Getting a Grip on Marketplace Realities ... What's Possible?
- Educating the Stakeholders ... Developing Awareness and Understanding of the Process
- Transcending Vested Interests ... Toward Collaboration
- Building a Shared Vision ... Beyond Silos
- Working Together ... The Bigger Pie
- Knowing the Customer ... Content and Applications are Imperatives

# The Information Industry

- Changes
- Transition and Transformation
  - Business
  - Academic
  - Technology
  - Customers

FS 2  
A (11/2003)

## **Tornadic Industry Winds of Change ... Beyond High Velocity and Highly Accelerated Processes**

- Evolutionary Process ... A Primordial Stew
- Complexity ... On the Edge of Chaos and Order
- Catalytic Agents and Scramblers
- Catalcysmic Events
- Rates of Change ... Jerk and the Rice Krispie Effect

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A (11/2003)

# THE INFORMATION INDUSTRY

| INFORMATION FUNCTION   | TEXT | IMAGE | VOICE | VIDEO | DATA |
|------------------------|------|-------|-------|-------|------|
| CREATE (CONTENT)       | P    | P     | TELE- | E     | C    |
| DISPLAY (DEVICES)      | B    | H     | C     | N     | O    |
| STORE (DATABASES)      | L    | O     | O     | T     | M    |
| PROCESS (APPLICATIONS) | S    | T     | N     | E     | P    |
| DISTRIBUTE (TRANSPORT) | H    | A     | I     | R     | T    |
|                        | I    | P     | C     | T     | I    |
|                        | N    | H     | O     | A     |      |
|                        | G    | O     | G     | I     | G    |
|                        |      | R     | R     | N     |      |
|                        |      | A     | S     | E     |      |
|                        |      | P     |       | M     |      |
|                        |      |       | E     |       |      |
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This chart is proprietary to Sheth Associates, Inc., and it has permitted Dr. Frank G. Splet to use it for this presentation

GLOBAL 1000 VALUABLE COMPANIES MANAGEMENT RELIANCE GROUP

## BusinessWeek

JULY 12, 1993

A MCGRAW-HILL PUBLICATION

\$2.75

# MEDIA MANIA

Digital.  
Interactive.  
Multimedia.  
The rush  
is on.  
Warning:  
Not everyone  
will win.



PAGE 110

COVER STORY

# More firms scrambling for alliances



By Kevin Maney  
USA TODAY

In the nightmares of a lot of media, entertainment and technology company executives this year, a giant steamroller is chugging their way. It is paving the information superhighway, gaining speed, growing larger by the minute.

And it's time to make a choice: Jump on or end up as the information highway's ver-

sion of road kill.

Whether the threat is real or imagined, current wisdom is that companies are going to climb aboard the next few years at an ever more frantic pace. For most, the quickest and easiest way to do that is through deals — big, bold deals like the merger of Viacom International and Paramount Communications. The two entertainment giants announced a merger Sunday valued at \$8.1 billion.

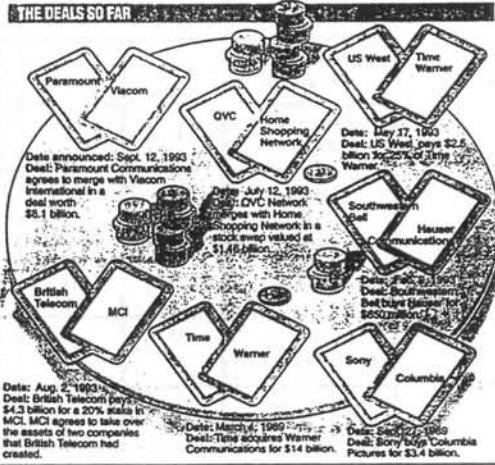
It will be only one of many such deals between now and the dawn of 500 channels and interactive television, promised sometime before 2000.

"In our wildest imagination, we can't sit here and think of all the possible combinations," says Jeffrey Kagan of Tele Choice Consulting in Marietta, Ga. "We're in the middle of a very active time in which telephone companies, cable companies and computer companies are all merging and evolving into a large, new conglomerate industry."

SEPTEMBER 14, 1993 · USA TODAY

## Shuffling the mega-media deck

The merger of Paramount and Viacom is the latest in a string of mergers and alliances among entertainment, communications and information companies as they prepare for a new age of multimedia carried by telephone or cable lines and viewed on televisions or computers. Unusual partnerships — such as computer firms and entertainment companies — may result from future deals.




# BusinessWeek

OCTOBER 25, 1993      A MCGRAW-HILL PUBLICATION      \$2.75

# WOW!

## BEHIND THE \$12 BILLION BELL ATLANTIC-TCI MERGER




HOW A BABY BELL BECAME A CABLE-TV STAR

WHY JOHN MALONE DECIDED TO SELL

MEDIA MANIA: WHAT'S NEXT

Bell Atlantic's  
Raymond W. Smith



TCI's  
John C. Malone



# COULD AT&T RULE THE WORLD?

Teamwork. Openness. Customer focus. Is this Ma Bell? Yes, and no company may profit more from the coming convergence of computers and telecommunications. ■ *by David Kirkpatrick*

**J**ERRE STEAD doesn't shut his office door. Ever. He even had the lock removed. He's not a boss, he tells associates (employees, that is). Call him "coach," he insists, because that's how he sees himself. Aggressively, even militantly, he focuses on customers and results: "I say if you're in a meeting, any meeting, for 15 minutes, and we're not talking about customers or competitors, raise your hand and ask why. If it goes on for half an hour, leave! Leave the meeting!"

Stead's crinkly-eyed visage represents the new face of AT&T. CEO Robert Allen, 58, installed him in September 1991 as president of the Global Business Communications Systems unit, which makes office phones and equipment. It had been bleeding billions; Stead, who had run Square D, an electrical equipment maker, for four years, made profits materialize within months. That so impressed Allen that in March he moved Stead, 50, up a notch to run NCR, the computer company AT&T bought for \$7.5 billion in stock in 1991.

Nearly a decade ago the U.S. govern-

ment severed the sprawling AT&T monopoly into seven regional operating companies—the Baby Bells—and left Ma Bell with the long-distance business, which it dominated, and Western Electric, the telephone equipment maker. Since divestiture on January 1, 1984, AT&T has shed 140,000 jobs, lost nearly 30% of the long-distance market to upstarts like MCI and Sprint, and struggled fitfully to make it in the computer business. But it has also uprooted its complacent, sluggish, inward-looking culture—mostly since Allen took over in 1988. Before then there were no Jerre Steads to defy hidebound AT&T tradition. Leaving doors open is both a symbol and an invitation—to customers, employees, ideas, and information. Openness is exactly what Allen wants for AT&T.

He argues that the government did AT&T a big favor by compelling it to change its ways. Customers benefited from lower long-distance rates and a sunburst of new telecommunications services. Just since October, investors have pushed the stock price up 48%, vs. 25% for Standard &

Poor's 500-stock index. Allen has modernized management in ways employees of the old Ma Bell would scarcely recognize. Even competitors agree. Says Daniel Akerson, president of MCI, who has steadily chipped away at AT&T's main business: "Divestiture was the best thing in the world for AT&T because it made them face the reality of the marketplace. They're neither slow nor lethargic nor bureaucratic anymore."

AT&T is suddenly thriving. New managers have turned around business after business. Though revenues have hovered under \$65 billion a year since the breakup, earnings per share set a record in 1992, and the stock has gained almost \$30 billion in value since March of that year. That's more than the total market capitalization of IBM, the company the Justice Department left intact at the same time it whacked up AT&T. Today AT&T's market value of \$79 billion is No. 4 in the world, after only Nippon Telegraph & Telephone, Exxon, and GE.

MAY 17, 1993 FORTUNE

## HOW TOSHIBA MAKES ALLIANCES WORK

The partners of this Japanese giant start out with the corporate equivalent of a prenuptial agreement—just in case. But there hasn't been an ugly divorce yet.

*by Brenton R. Schlender*



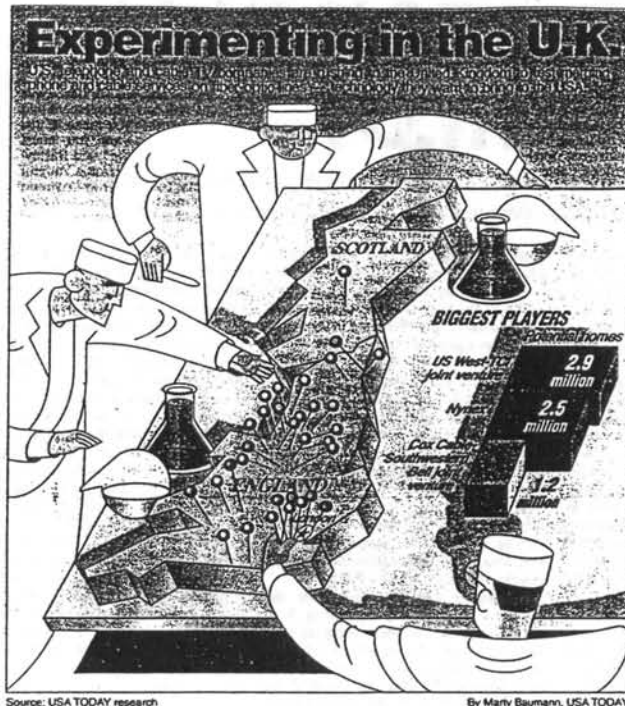
President Sato

"When things go awry, a call to Sato-san will take care of the problem in 24 hours."

Jack Welch



OCTOBER 4, 1993 FORTUNE



Source: USA TODAY research

By Marty Baumann, USA TODAY

## Paucity of Fiber in the Local Loop - A Barrier to Widespread NII Access?

Not with:

- Cu/ADSL
- Coax/Cable Companies
- Wireless/LMDS\* @ SHF

\*Local Multipoint Distribution Service

## Broadband Wireless Access



CellularVision's windowsill mounted receiver antenna is five inches square.

FS 20  
A (10/2/93)

Wireless technology development in the 28GHz SHF band will enable telcos and others to offer voice as well as broadband data and video access in residential areas via 'fiber (bandwidth) in the sky'.

## Gilder/Green and "The Two Edged Sword"

- Gilder's *Fibersphere*
- Green's *Rainbows*
- RBHC problems?

FS 18  
A (11/5/93)

# From Torpedoes to CDMA and Secure Wireless Communications



Hedy Lamarr - Securing torpedo  
commands in WWI.

Spread spectrum  
techniques provide a  
basis for more robust  
and secure cordless  
telephony and other  
wireless applications  
... c.f. Cincinnati  
Microwave and  
Qualcomm

FS 26  
A (10/26/92)

## The Opportunities To Be Seized

- Environmental Enhancement
- Energy Reduction
- Educational Improvement
- Healthcare Improvement
- Economic Revitalization

FS 5  
A (11/2/93)

## Six Trends That Will Reshape The Workplace

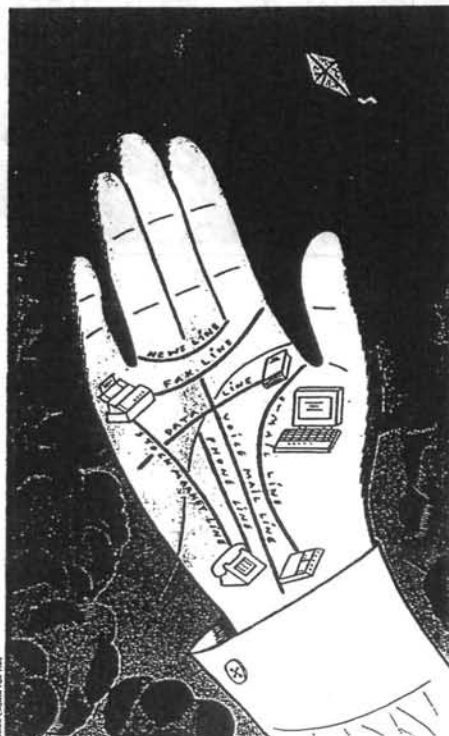
- **Rightsizing** - The average company will become smaller, employing fewer people.
- **Variation in Organizational Forms** - The traditional hierarchical organization will give way to a variety of organizational forms, the network of specialists foremost among these.
- **Technicians as Worker Elite** - Technicians will replace manufacturing operatives as the worker elite.
- **Horizontal Division of Labor** - The vertical division of labor will be replaced by a horizontal division.
- **Service over Products** - The paradigm of doing business will shift from making a product to providing a service.
- **Redefinition of Work** - Work itself will be redefined; constant learning, more high-order thinking, less nine-to-five.

FS 23  
A (1/5/93)

Source: Walter Kiechel III, *How We Will Work in The Year 2000*, Fortune, May 17, 1993

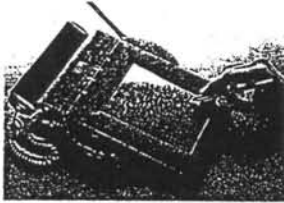
### A Portable Office That Fits **IN YOUR PALM**

Cellular phones, faxes and E-mail are all coming together in a clever batch of hand-held computers



SOURCE: TIME, FEBRUARY 15, 1993

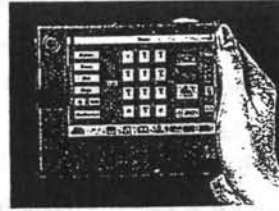
# The Contenders



**EO PERSONAL COMMUNICATOR:** EO was the first to put a phone, fax and pen-based computer in one box, but E-mailing over the cellular links is still no picnic. Starts at \$2,000.



**APPLE NEWTON:** This long-awaited "personal digital assistant" has a sense of humor, but the cellular connections are not yet in place. Under \$1,000, without a phone.



**GENERAL MAGIC:** Having built this closely guarded prototype, General Magic will let Sony and Motorola make the boxes. Between \$1,000 and \$2,000.

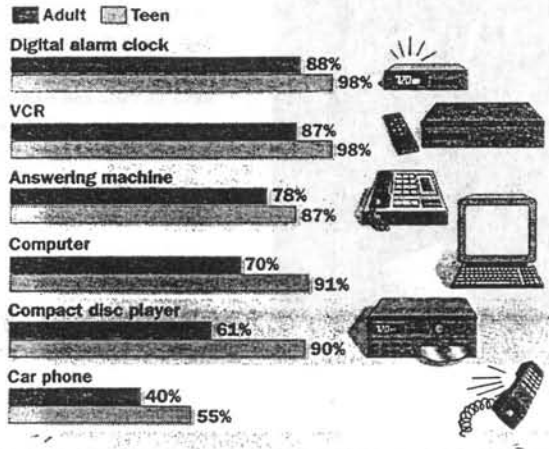
SOURCE: TIME, FEBRUARY 15, 1993

## DOONESBURY



### Measuring user comfort

A survey released Monday by Dell Computer Corp., which measured how comfortable adults and teens are with different technologies, found that adults are generally less at ease. Survey results, in percent:



Source: Dell Computer Corp.  
Chicago Tribune  
July 27, 1993

## The Benefits To Be Realized

- Job Creation
- Quality of Life Improvement
- Expanded Entrepreneurship
- Rural Growth

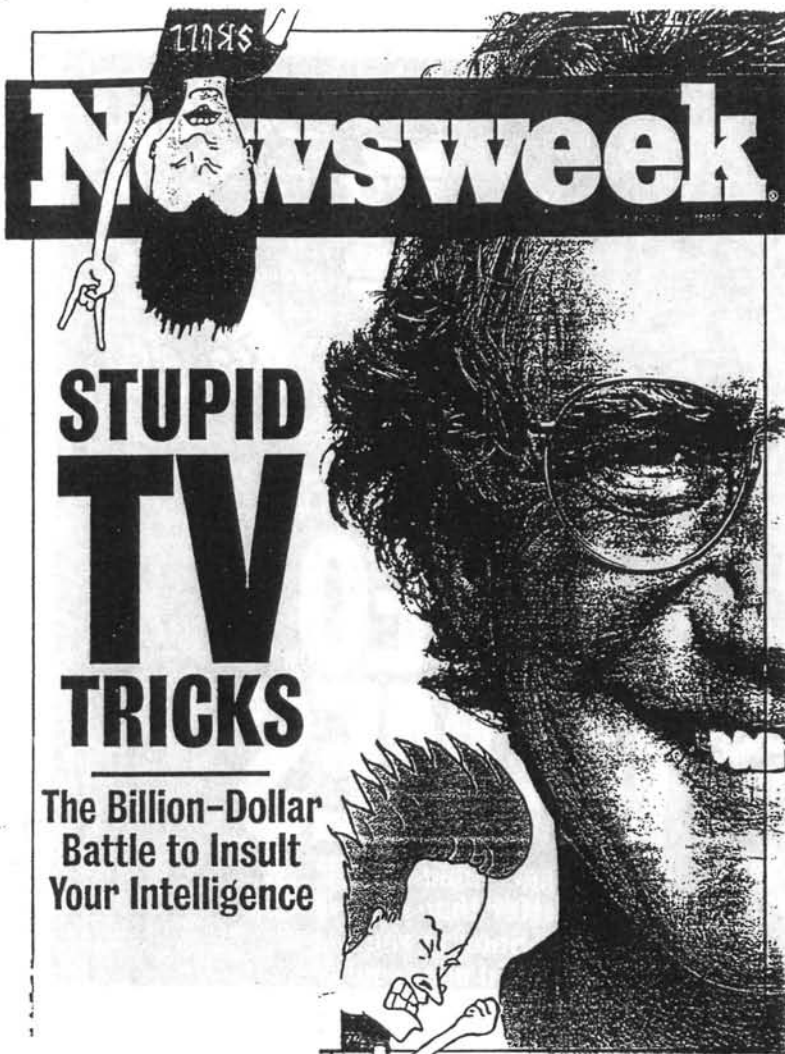


**F**orty-three million Americans are finding that a disability need not be a handicap. What once were workplace barriers are yielding to creative solutions like this voice-activated workstation. Technology is giving more Americans the opportunity to be productive. That's good news for them and for an economy that now is beginning to take advantage of the skills of all of its people.

## The Other (Real) Drivers

- Entertainment
- Gambling
- 'Dark' Drivers
- Greed and Money
- Fear and Survival





# Newsweek

## STUPID TV TRICKS

The Billion-Dollar Battle to Insult Your Intelligence

**TAKING AIM AT**

### TV VIOLENCE



'I want to challenge television to substantially reduce its violent programming now or else the government will have to intervene.'

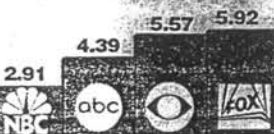
— Attorney General Janet Reno



BUTT-HEAD AND BEAVIS: Critics call them bad influences.

MTV: Reno by John Duricka, AP

USA TODAY watched a week of prime-time network television; violent incidents per hour for all programming:



The American Psychological Assn. says the average child watches up to 8,000 made-for-TV murders and 100,000 acts of violence by the end of grade school.

By Dashi Parham, USA TODAY

**FUGITIVE**  
The Lost Years of  
Katherine Ann Power

**ATTACK**  
OF THE **JURASSIC**  
**VIDEO**  
**GAMES**

**Bigger than movies!**  
**Better than reality!**  
**Soon to zap**  
**a kid near you!-**

STATE TAXES ARE SUCKING ME DRY! WELL, IF THEY WANT ONE MORE PENNY THEY'LL HAVE TO PRY IT OUTTA MY COLD, CLAMMY HANDS!!

NEXT!

WIN BIG \$\$\$

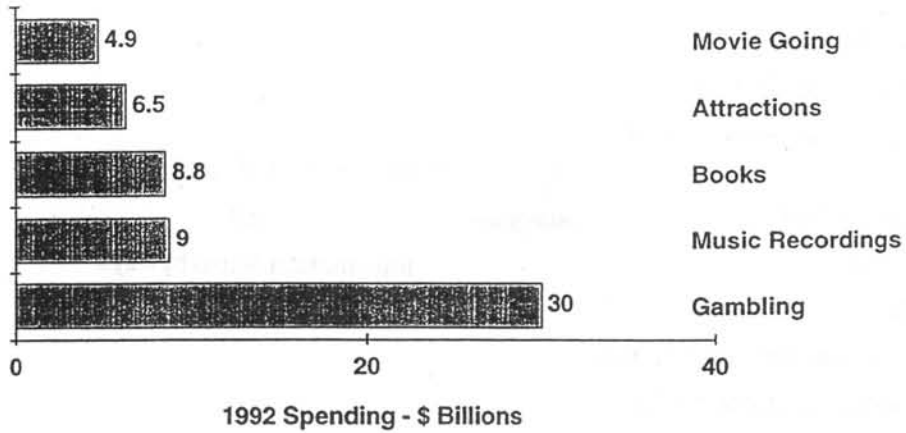
**LOTT**  
TICKETS \$

I'LL TAKE 60 POWERBALL, 50 SUPERCASH, 35 MEGABUCKS....

CARTSON  
Milwaukee Sentinel

PAYCHECKS CASHED  
\$10 MILLION POWERBALL

# Gambling - A New National Pastime



FS 32  
A (11/93)

Source: Wall Street Journal  
October 22, 1993

Today's tune-in to a 3D-animated one-night stand may turn into tomorrow's tactile exchange from opposite ends of the Earth



Producer Lisa Pelek (left) and audio engineer Ron Comertz of "Cyborgasm" CD, a collection of 16 X-rated audio vignettes. Visual Valerie (below) is an interactive CD-ROM with full-color arc digital sound.

## High-tech sex

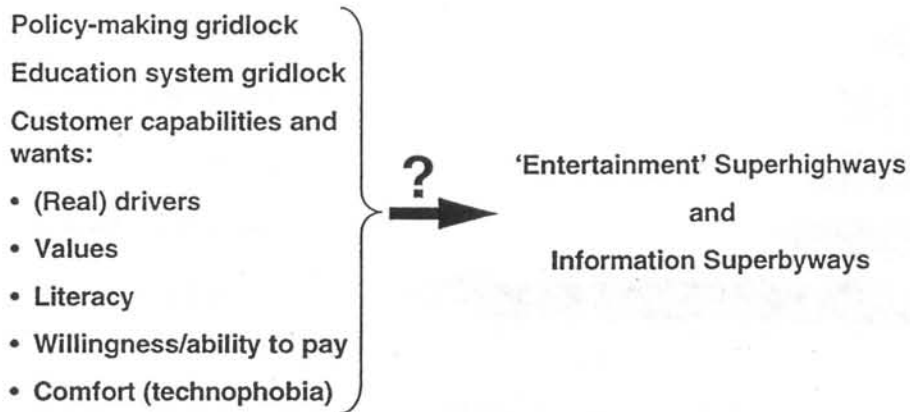
By David R. Hirschfeld  
Special to the Tribune

**S**ome day your sex life could be shut off for failure to pay your electric bill.



Chicago Tribune Tuesday, September 28, 1993

# National Information Infrastructure - Toward Information Superhighways?



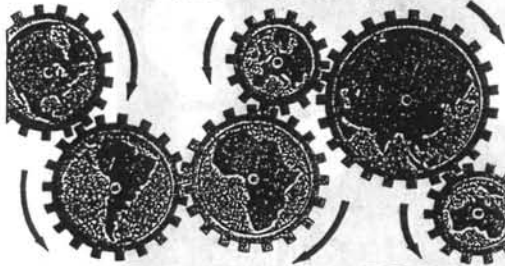
FS 31  
A (11/5/93)

## The Window of Opportunity

- **Investment in Basic Assets**
  - Human Capital
  - Physical Infrastructure
- **Mandate for Change**
  - Gore 1
  - Gore 2

FS 4  
A (11/5/93)

# THE WORK OF NATIONS



ROBERT B. REICH

*"The skills of a nation's work force and the quality of its infrastructure are what makes it unique, and uniquely attractive, in the world economy. Investments in these relatively immobile factors of worldwide product are what chiefly distinguish one nation from another... Well-trained workers and modern infrastructure attract global webs of enterprise, which invest and give workers relatively good jobs..."*

Technology for America's Economic Growth,  
A New Direction to Build Economic Strength



President William J. Clinton  
Vice President Albert Gore, Jr.

February 22, 1993

VITAMINS: THE GOOD AND BAD NEWS

# Newsweek

# What's Wrong?

Phew!  
A Win in  
the House

Ugh!  
A Mess  
in the  
White House



THE WALL STREET JOURNAL THURSDAY, SEPTEMBER 2, 1993

## POLITICS & POLICY

### High-Tech Industry's Infatuation With Clinton Turns to Frustration Over Unkept Vows, Inaction

By ASHA Q. NOMANI  
Staff Reporter of THE WALL STREET JOURNAL  
WASHINGTON—For many of the high-tech executives enamored of Bill Clinton during last year's campaign, the romance is over.

"There's an increasing sense of frustration for those of us who embraced the new administration and tried to give it advice," says Joseph Gorman, chairman of THW Inc.

"There hasn't been any action," adds Edward R. McCracken, chairman of Silicon Graphics Inc., who was at Mr. Clinton's side when the president unveiled his technology plans at the company's headquarters. "They need to prove to the world and the high-technology industry they can facilitate action."

The high-tech connection was important to candidate Clinton, not just for the campaign money raised but because it lent a "New Democrat" allure to his message, countering arguments that Democrats were out of touch with the entrepreneurial spirit.

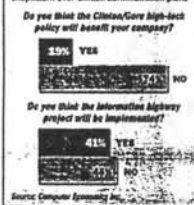
Mr. Clinton has said he's "very pleased" with the administration's record on high-tech issues, citing capital-gains tax measures for small companies and research-and-development tax credits included in his economic package. Vice President Gore adds that small businesses are "very happy" with administration initiatives such as increasing the amount of equipment purchases they can write off to \$17,500 from \$10,000.

#### Promises Unkept So Far

Hoping to assuage disgruntled high-tech executives, administration officials will seek to hash out troublesome issues at a technology "summit" sponsored by the University of California at Berkeley on Nov. 4 and 5 in Santa Clara, Calif. But many in the industry say that while the administration's heart may be in the right place on technology issues, there has been little effective follow-through on a string of promises.

#### The Thrill is Gone

A survey of 88 top high-tech executives found skepticism over Clinton administration plans.



"They have a good technology agenda, but there has to be action along with the hyperbole," says David Obershaw, director of product marketing at Mass Par Computer Corp. "They're stuck on autopilot," grouses Christopher Padilla, an American Telephone & Telegraph Corp. government affairs official. "We're reluctantly coming to the conclusion that our high hopes for the administration were unfounded."

For many executives, a key issue has been what they see as the administration's failure to make good on promises to speedily loosen Cold War-era restrictions on exports of high technology.

Many in the industry were cheered when Mr. Clinton told Russian President Boris Yeltsin in Vancouver in April that the U.S. would liberalize its technology transfer rules. But they say they have seen little progress since. The administration did recently propose to relax export rules on high-speed computers, but the move was seen as a limited one that Dick Iverson, president of the American Electronics Association, asserts "falls short."

Nor, executives complain, has the administration moved fast enough on the

high-performance computing initiative, a plan to build a super-fast computer network often dubbed an "information super-highway." "Pinks are saying, 'We've been snookered again,'" says Michael Erbschloe, vice president at Computer Economics Inc., a research firm. "They expected more planning and more public participation by now."

#### Commerce Posts Still Unfilled

Personnel is part of the problem. Key export-policy positions at the Commerce Department, including an undersecretary for export administration, have yet to be filled. James Unruh, chairman of Unisys Corp., an information technology company, met with administration officials in July to air complaints about the slowness of the export-license process. He lobbied for reform on behalf of the Computer Systems Policy Project, a trade group of big computer makers such as Apple Computer Inc. and Hewlett-Packard Co.

Moreover, the Commerce Department has hardly become the "technological powerhouse" that Secretary Ron Brown promised at his confirmation hearings. Mr. Brown's first choice for deputy secretary, former Cray Research Inc. Chief Executive Officer John Rothwagen, was widely hailed within the industry. But he withdrew from consideration in the wake of a Securities and Exchange Commission investigation into trading of the stock of a Cray spinoff. The designer for the post, David Barram, a former Apple vice president, isn't as big a name in the industry.

Mr. Brown defends the agency's record, saying Congress stalled some of the administration's high-technology initiatives when it defeated the president's stimulus package earlier this year. He cites progress with the appointments of

high-technology executives to key Commerce positions and development of manufacturing centers that work with businesses in research and development ventures. "We're committed to our high-technology agenda," he says.

#### Some Progress Seen

The Clinton administration has begun to deliver on some promises. For instance, it has moved to develop a computer chip that protects data from being decoded while it's being transmitted. But industry executives are still unhappy, complaining that the work is behind schedule; that they weren't included in the chip's design, and that it is deliberately being designed so that the National Security Agency and other federal intelligence agencies will be able to intercept data, which hurts overseas sales. In a rebuke to the administration's approach, the industry has announced plans for its own data-protection system.

Many in the high-tech community also were disappointed that the president, in his economic plan, was forced to settle for only a temporary extension, through June 1995, of the research-and-development tax credit; high-tech companies say a permanent credit is needed to provide predictability in their R&D spending calculations. And some are angry at the package's tax increases aimed at corporations and affluent Americans. "There's been a lot of concern that Clinton is going back to being in a tax-and-spend mode rather than being a New Democrat," says Sandy Robertson, a San Francisco investment banker who, although a registered Republican, raised \$300,000 for Mr. Clinton at a fund-raiser last fall. "There are people who feel betrayed."

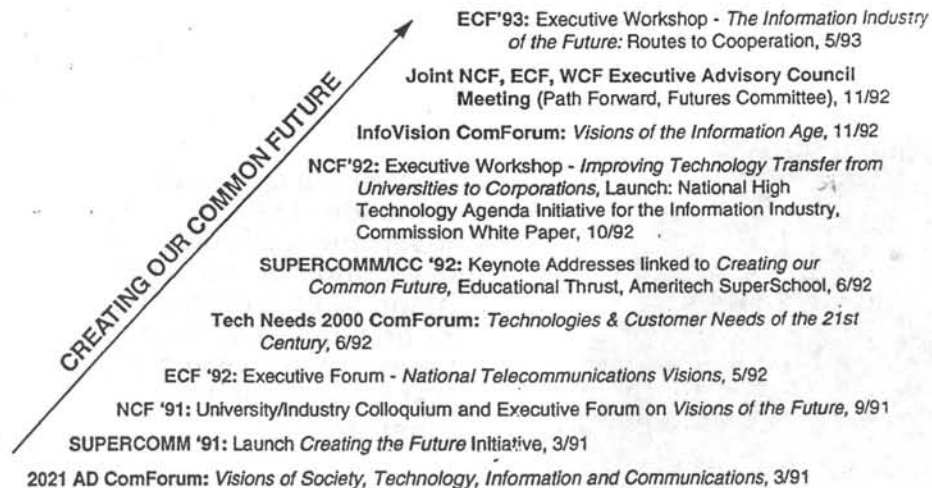
But Mr. McCracken, the Silicon Graphics chief, says the fund-raiser raises the disappointment may go beyond any issue. He suggests that the real reason simply may be "a culture clash" between high-tech's quick pace and Washington's more cautious approach. "In Silicon Valley," he says, "we just do it."

# What's Been and Being Done?

- National Engineering Consortium
- American Electronics Association
- NII/Cross-Industry Working Team
- Alliance for Public Technology
- Council on Competitiveness
- Institute of Electrical and Electronic Engineers
- Telcos and USTA
- Cable Industry and NCTA
- Information Technology Association of America
- Administration's NII Task Force
- Telecommunications Policy Roundtable

FS 9  
A (11/2/93)

## A Brief History of the Future - From the 2021 AD ComForum to InfoVision and Beyond



FS 9  
G (6/25/93)

American Electronics Association

**Call to Action:**

## **U.S. Technology Leadership Policy**

As adopted by the Board of Directors  
of the American Electronics Association

Inventing America's Future



*Gore - The private sector, not the federal government, will build the data superhighway.*

**“The NII is a symbol of the idea that the government should steer, and not row... We intend to be a catalyst for development, but the private sector will do the vast majority of the construction.”**

September 15, 1993



## **The Administration's NII Initiative - Managing Change, Forging Partnerships**

The administration will:

- **Establish an interagency Information Infrastructure Task Force**
- **Establish a private sector Advisory Council on the National Information Infrastructure**
- **Strengthen and streamline Federal communications and information policy-making agencies**

FS 22  
A (11/2/93)

## **The Administration's NII Initiative - Nine Guiding Principles**

- **Promote private sector investment**
- **Extend the "universal service" concept**
- **Act as catalyst to promote technological innovation and new applications**
- **Promote seamless, interactive, user-driven operation of the NII**
- **Ensure information security and network reliability**
- **Improve management of the radio frequency spectrum**
- **Protect intellectual property rights**
- **Coordinate with other levels of government and with other nations**
- **Provide access to government information and improve government procurement**

FS 21  
A (11/2/93)

## **The Administration's NII Initiative - Management of the Radio Frequency Spectrum**

Actions to improve procedures for spectrum allocation and use will include:

- Streamlining allocation and use of spectrum
- Promoting market principles in spectrum distribution

FS 23  
A (1/12/95)

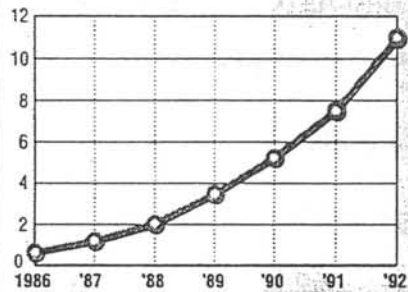
## **The FCC's Licensing Compromise - Prospecting Begins in a Fragmented Market**

- Allocates a total of 160 MHz within the 1850-1970, 2130-2150 and 2180-2200 MHz bands,
- Awards licenses under competitive bidding procedure,
- Divides country into more than 500 PCS markets,
- Allows seven licensees/serving area,
- Permits a licensee to aggregate:
  - Up to 40 MHz of spectrum in any one service area
  - No more than 30 MHz in a contiguous spectrum block
  - Service areas w/o restriction

FS 30  
A (1/12/95)

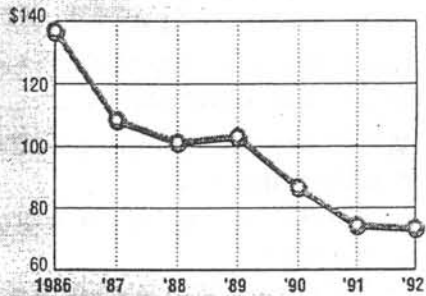
## The Challenge to PCS

Cellular subscribers, in millions



Source: Herschel Shostack Associates Ltd.

Cellular subscribers' bills\*



\*Monthly average

Source: Wall Street Journal  
September 23, 1993

## FCC Chairman-Nominee Reed Hundt Breezed Through His Senate Commerce Committee Confirmation Hearing

The nomination is not expected to receive significant opposition. In fact, the committee's ranking minority member, Sen. John Danforth (Mo.) noted that the committee might consider caucusing off the Senate floor to approve the nomination, rather than wait for the next regularly scheduled business meeting.

The hearing's most noteworthy comments came from committee Chairman Ernest Hollings (D-S.C.). Hollings said he didn't see any reason for LECs to enter the long distance market because there is already enough competition there. The chairman added his belief that there is an appropriate role for monopolies in the local loop. He then reminded Hundt that the FCC already has enough on its plate and that the nominee should not feel obligated to enter into new areas just to "show he had vision."

USTA President's Report  
9/24/93

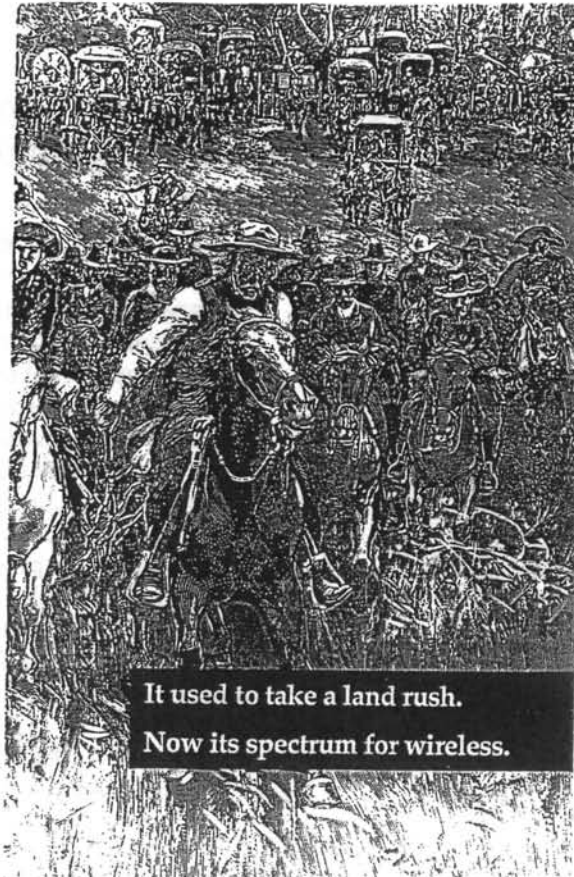
"The communications revolution must be accompanied by a renewed and redefined commitment to universal service. The networks of the next century will deliver not only voice traffic but video and data, in the form of digitized bits, to be manipulated pro-actively by the family in the home. But the power of these networks must be available to all Americans."

Reed Hundt  
September 22, 1993

## Gaining Perspective ... Some Questions on the NII

- Who's going to pay for what and how?
- How are ordinary human beings going to cope with changes in ..... ?
- What's really driving accelerated NII development ...
  - Competitiveness ... global, national, sector?
  - Survival?
  - Service ... to humanity, country, community?
  - Profit ... corporate, personal?
- Will it really help American cities cope with poverty, drug traffic, crime and sick school systems?

FS 20  
A (11/2/93)



## VP receives highest honors

Dr. Frank Splitt, vice president, engineering at the Cook Electric Division of Northern Telecom Inc. recently received one of the highest honors that can be achieved in the Institute of Electrical and Electronic Engineers (IEEE). Splitt was elected to the grade of Fellow in the IEEE, an honor that is restricted to the top one-tenth of one percent of the total 260,000 members of the IEEE.

A 30-year veteran at Cook Electric in Morton Grove, Splitt was cited "for leadership in and contributions to the protection of communications systems from the effects of electrical interference." According to the IEEE bylaws, the Fellow status is conferred upon a person of outstanding and extraordinary qualifications and experience in the IEEE-designated fields, who has made important individual contributions.

Splitt holds a Ph.D. in electrical engineering from Northwestern University. He is an active supporter of industry and related educational activities. He holds a seat on the National Engineering Consortium (NEC) board of directors and has been active with the NEC's continuing education arm - the National Communications Forum (NCF).

Splitt is the 1986 chairman of the annual NCF Conference, to be held in Chicago. The NCF

provides a platform for the exchange of information related to the telecommunications industry. Last year, NCF drew some 3,000 telecommunications policy makers, educators and engineers.

Also, Splitt was recently invited to join the Advisory Board for the University of Illinois' College of Engineering. The Board is composed of senior executives from the nation's leading companies.

Cook Electric Division is a leading designer and manufacturer of a broad range of products for use by the telecommunications industry. The Cook Electric portfolio includes equipment and devices related to protection, transmission, termination, distribution and information handling.

Northern Telecom is the world's leading manufacturer of fully digital telecommunications systems, and a major supplier of integrated information systems for the office. The U.S. company, Northern Telecom Inc., has its headquarters in Nashville, Tenn. Northern Telecom employs more than 22,000 people in the U.S. in 15 manufacturing plants, 15 research and development centers, and in marketing, sales, and service offices across the country.

# Daily Herald

Tuesday, January 16, 1996

## NEIGHBORS IN THE NEWS

### Frank G. Splitt

While the Northwestern Wildcats rose to national prominence by going all the way to the Rose Bowl, Northwestern University's McCormick School of Engineering and Applied Science also has risen to national prominence.



And one very prominent faculty member, Frank G. Splitt, McCormick Faculty Fellow of Telecommunications, recently received the prestigious International Engineering Consortium's Fellow Award.

The award honors Splitt's authority in telecommunications systems, his help in the design and development of telecommunication technologies and his reputation as a leading futurist in the information industry.

A 19-year resident of Mount Prospect, Splitt began working as an electrical engineer in 1952 and was involved in the pioneering efforts that brought our country such advances as color television and digital and satellite communications.

Splitt has been affiliated with Northwestern University for more than 40 years, having received his master's degree there in 1957 and his Ph.D. in 1963, both in electrical

engineering.

During the time Splitt was vice president of Educational and Environmental Initiatives at Northern Telecom, he wrote a world-renowned paper, "Creating Our Common Future — Reflections on the four E's: Environment, Education, Energy, Economics."

A former chairman of the National Communications Forum, Splitt retired from his full-time engineering duties in 1993, yet remains very active in the electronics industry, stressing his desire to give back to the industry and academia that have allowed him to be an integral part in the growth of national telecommunications.

He currently serves on the International Engineering Consortium's board of directors and is a member of the Educational Activities Board of the Institute of Electrical and Electronic Engineers. He has been included in "Who's Who in America" since 1990.

And recently, Splitt was invited to Washington, D.C., by the National Science Foundation to review proposals that will be fundamental in the restructuring of education for college engineering students across the country.

Splitt is as energetic on the personal front as on the career front. He and his wife, Judy, are very active in the Peace and Justice Ministry at St. Raymond's Parish in Mount Prospect.

## **PART 2: 2000-2001**

### **ESSAYS & COMMENTARIES: 2000-2001**

1. Wisconsin Lakes: A Trilogy
2. Birge & Juday Data: Application and Reliability Perspectives
3. Educational and Environmental Initiatives: Some Recollections, Observations, Recommendations and Ecoefficient Design
4. An Odyssey of Educational and Environmental Initiatives: From National Information Infrastructure to the Fate of Our Inland Lakes
5. Judy Splitt, Music Lover, Lover of Life





# **WISCONSIN LAKES: A Trilogy**

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**WISCONSIN LAKES: Challenges and Responses**

**WINTERKILL: Loss and Recovery**

**IRVING LAKE: A Wild Rice and Shallow Lake Story**

**BALLARD-IRVING-WHITE BIRCH  
LAKES ASSOCIATION, INC.**

*“Finesse means abandoning frontal attacks for solutions that rely on the same kind of latent properties that led to the revenge effects in the first place. Sometimes it means ceasing to suppress a system. In medicine, finesse suggests closer attention to the evolutionary background of human health and illness, to the positive part that fever plays, for example, in fighting infection. At other times finesse means living with and even domesticating a problem organism.”*

*Edward Tenner, Why Things Bite Back-Technology and the Revenge of Unintended Consequences, Knopf, 1996*



*The International Engineering Consortium sponsored the publication of this trilogy as a public service in support of the environmental initiative represented by Wisconsin Department of Natural Resources Lake Management Planning Grant Programs LPL 602 and LPL 613.*

*The Consortium is a nonprofit public service organization founded in 1944. For over 50 years, it has honored a commitment to academia and the information industry. It provides and promotes industry learning through educational forums and serves as a catalyst for academic progress through university faculty development, industry-university dialogs, student programs, academic associations, research initiatives, publications, and curriculum development. The Consortium is affiliated with over 70 of the world's leading universities. For more information visit [www.iec.org](http://www.iec.org).*

# **WISCONSIN LAKES: A Trilogy**

**WISCONSIN LAKES: Challenges and Responses**  
**WINTERKILL: Loss and Recovery**  
**IRVING LAKE: A Wild Rice and Shallow Lake Story**

**Frank G. Splitt**

**Ballard-Irving-White Birch Lakes Association, Inc.**

**December 1, 2000**

**Wisconsin Lake Management Planning Project Grant Program**  
**Project Nos. LPL-602 and LPL-613**



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# WISCONSIN LAKES: Challenges and Responses

The United States has a treasure house of natural resources and Wisconsin holds the “Crown Jewels”...its more than 15,000 lakes. But Wisconsin’s lakes are in jeopardy on numerous fronts, and many lakes need help. Many property owners and other lake users are not aware of their impact on the ecological health of the lakes. Much of the management of lakes in Wisconsin is limited by a lack of information about the lakes, their watersheds, and the people who use them. Additionally, the past decade has seen an unprecedented increase in the demand for ownership of shore lands and use of our waters. The sheer number of lakes dictates that much of the management of lakes in Wisconsin must rely on citizen and local government action as well as cooperation. These are the challenges before us.

What will life around our lakes look like in the future? The future health of our lakes and our lake communities will be determined by our degree of environmental responsibility and how well we manage the demand for waterfront property. We are now poised at a turning point in the history of the management of Wisconsin’s lakes and waterways. The Lake Management Planning Grant and Lake Protection & Classification Grant Programs have been designed to help respond to the challenges outlined above. Specifically, these programs can provide the economic resources required to help meet the twin objectives of obtaining a better understanding of our lakes and of appropriately managing our lakes, both by way of local participation and responsibility.

The articles in this publication provide an illustrative example of how the Lake Management Planning Grant Program made it possible for a community of concerned citizens to respond to problems and issues relative to their chain of three shallow lakes. This program enabled funding of laboratory tests and analyses and, most importantly, allowed contracting the services of a lake expert to perform technical fieldwork as well as guide the efforts of local volunteers. Working in partnership with lake professionals from the Wisconsin Department of Natural Resources (WDNR) and the University of Wisconsin provided additional insights and a broad perspective on the lakes and their management requirements. More information on this program as well as the Lake Protection & Classification Program follows:

**The Lakes Management Planning Grant Program** offers grants to local governments and associations to gather data, conduct surveys, develop information campaigns, develop effective land-use regulations and undertake other activities to plan for lake protection and improvements. For more information or assistance, contact the WDNR Region Inland Lake Coordinator, the County Cooperative Extension Office, or UWEX-Lakes Partnership, UW-Stevens Point at 715-346-2116 for details.

**Lake Protection & Classification Grants** are designed to assist lake users, lake communities, and local governments as they undertake projects to protect and restore lakes and their ecosystems. These projects can involve the purchase of property or a conservation easement, restoration of wetlands, development of local regulations or ordinances, lake classification, and lake improvement. Contact your WDNR Region Lake Coordinator or Environmental Grant Specialist discuss your project plans and eligibility questions: Central Office, 608-261-6423, or visit the UWEX/UWSP lakes web site: [www.uwsp.edu/cnr/uwexlakes](http://www.uwsp.edu/cnr/uwexlakes).

Frank G. Splitt  
November 20, 2000

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## SHALLOW LAKES

*“Somewhere along the way, someone got the idea that a lake was a deep, clear blue, cool body of water with a sandy bottom and no weeds. Shallower waters that didn’t fit this description needed improvements—bottoms dredged, shorelines filled and cleared of weeds, water raised—to make them more like “real” lakes.*

*Disappointment and frustration followed when the make-overs did not succeed. Like people, shallow water bodies have unique physical and biological attributes that are not easily or quickly altered.*

*Shallow waters account for more than one-third of Wisconsin’s lake acreage, yet they remain one of the most misunderstood and abused of our natural resources. We are only beginning to understand how these amazingly productive aquatic systems function; the next step is to learn how to appreciate what shallow lakes can offer us.”*

*Maureen Mecozzi, Shallow Lakes-Wisconsin’s Most Misunderstood Waters, Wisconsin Natural Resources, 1995*

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# WINTERKILL: Loss and Recovery

## A Story of People Working Together to Benefit Their Lakes

*January 1, 1996 marked the day the Big Ten was represented at the Rosebowl by its Conference Champions, the Northwestern University Wildcats. To college football fans, this was a highly unlikely event if there ever was one. Dreams collapsed in a just a few hours. Hard questions had to be answered. Who's to blame? What really happened? It would take time and a lot of hard work for the NU Football Program to recover from the loss. It did in 2000, with a remarkable bowl-bound season propelled by stunning late-season, last-second wins over Minnesota and Michigan. The essence of the recovery was captured by Daily Herald Sports Writer Lindsey Willhite after the Michigan game. "The grandkids are going to hear a story about this one day. They're not going to believe what they are hearing, but their belief is not what is important." There follows a story involving another unlikely event with striking parallels to the above.*

Nothing so dramatic would take place at the Ballard-Irving-White Birch Chain-of-Lakes in Star Lake, Wisconsin. Nevertheless, the dreams of hundreds of fishermen and other vacationers were starting on a similar road to collapse as the Ballard Lake fishery was entering the first stages of winterkill. Though not known at the time, this was also a highly unlikely event. No one could recall it ever happening before. The fate of the fishery would be dictated by overwhelming natural forces, and it would take months before we learned the final devastating score. Newspaper and magazine articles heralded "**Ballard Lake falls victim to winterkill loss**" and "**Winterkill wipes out popular musky chain of lakes.**" The questions around the lake were very much the same as they were around the Northwestern campus.

The question as to what really happened was not easy to answer. Theories abounded. "Ballard never had a winterkill problem before; it's the rice that did it." Nevertheless, no one knew for sure. As for blame, what else but shallow Irving Lake with all of its rotting wild rice plants? However, this was not the time for theorizing and blaming, or even resolving questions. We needed to act quickly and rely on the best judgement of seasoned professionals.

An extensive fish-stocking program by Harland Carlson, the Wisconsin Department of Natural Resources (WDNR) Fishery Biologist eventually led to a significant rebound in the overall fishing quality in the lakes. Solid year classes were successfully established via stocking of fry, fingerlings, and adult fish transfers. The Town of Plum Lake, the Muskie Clubs Alliance of Wisconsin, the Starlaker's Club, and the Star Lake Store supported additional stocking in the fall of 1996.

Mike Coshun, the WDNR Fishery Supervisor, recommended the installation of a temporary WDNR-designed cascading aerator in the Ballard-Irving thoroughfare to reoxygenate Irving Lake outflow as well as remove dissolved hydrogen sulfide gas. The Town of Plum Lake provided the installation, operation, and maintenance of the aerator with oversight by Wes Jahns, WDNR Fisheries Technician. The project was deemed successful in the sense that dissolved oxygen levels increased in the East End of Ballard when the aerator was in operation. To everyone's relief, Ballard exhibited no signs of fish kill at the end of the 1996-97 winter, but neither did un-aerated Irving Lake.

It seemed that progress was being made, but we still needed to understand what happened so that we could feel comfortable with the ability of our quick reaction type solution to work over the long run. We needed assurance that our significant investment in fish stocking would not be lost to some yet unknown force. It was at this point in early 1997 that Mike Coshun suggested that we form a Qualified Lake Association so that we could become eligible for state grants. He advised that grant funding would enable us to obtain the resources required to gain a better understanding

of how our lakes worked and what, if any, impact the “suspect” wild rice in Irving Lake was having on downstream lakes. We contacted Tiffany Lyden, Vilas County Conservation Specialist, and Bob Korth, UWSP College of Natural Resources, to obtain more detailed information and advice on Qualified Lake Associations.

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*“...grant funding would enable us to obtain the resources required to gain a better understanding of how our lakes worked and what, if any, impact the “suspect” wild rice in Irving was having on downstream lakes.”*

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The Ballard-Irving-White Birch Lakes Association, Inc. was formed later that year. We then began a Water Quality Monitoring Program, obtained an initial assessment of the aquatic plant community on Irving Lake by Laura Herman, WDNR Water Biologist, and a more detailed assessment on all three lakes by Cathy Cleland and Sandy Wickman, WDNR Water Quality Biologists. We also began gathering information on the Wisconsin Lake Management Planning Grant Program. In the meantime, it was decided that a permanent, but portable, cascading aerator was most likely to satisfy our needs over the long run. The design, fabrication, installation, and subsequent operation of this unit were cooperative efforts between the WDNR, the Town of Plum Lake, and our Lake Association. The portable aerator has been utilized every winter since its first turn-up in December 1997.

With fish stocking and aeration programs in place and a detailed aquatic plant survey in hand, we were then ready to work on Lake Planning Grant Applications. These applications would cover the development of a Comprehensive Management Plan for the three lakes. Two proposals were submitted to the WDNR in January 1999. Shortly thereafter, we selected Steve McComas of Blue Water Science as our technical consultant, should we be fortunate enough to have winning grant applications. Early April brought the announcement that we had been awarded two Planning Grants totaling \$23,500 with a state share of \$17,200 and a local share of \$6,500 in volunteer labor or in-kind contributions. The finish date of the grants was scheduled for June 30, 2000. Bob Young, WDNR Northern Region Lakes Program Coordinator, was assigned the responsibility for technical oversight of our projects.

As planned, our volunteer workers were organized into Project Teams that focused on Lake History, Water Quality, Aquatic Vegetation, Fisheries, Shoreline Vegetation & Watershed, Shoreland Development & Private Waste Disposal, Lake Usage, and Communications. A Projects Manager was assigned the responsibility for coordinating activities and the management of the overall set of projects with Steve McComas providing expert technical guidance, in addition to his fieldwork. A kickoff meeting was held in May with Steve McComas, Mike Coshun, and representatives from each team in attendance. Our featured speaker Paul Garrison, WDNR Paleolimnologist, later became actively involved with our projects as they related to his complementary Shallow Lakes Initiatives Project. His analysis and interpretation of several sediment cores provided valuable insights into the history of the three lakes.

Work on the projects proceeded throughout 1999 and into the early part of 2000. Additional time was deemed necessary if we were to provide our consultant sufficient time to analyze and interpret the wealth of data he and our volunteers had amassed over the past year. More time would also allow the incorporation of input from the University of Wisconsin’s Lake Landscape Positioning Project on White Birch Lake, as well as additional input from Paul Garrison’s sediment coring. We received approval of our request for a time extension to December 31, 2000. So, with all of this expended time and effort, what were our findings?

The Lake Planning Grants led to an understanding of the natural history and ecology of the three lakes and an appreciation of the fact that they have been functioning the way they do now for hundreds of years. We also gained a better understanding of the interdependence of the three lakes and how they function with wild rice. Contrary to what most lake users believed, we found that the severity and long duration of the winter were the dominant causes of Ballard's 1995-96 winterkill, and not wild rice per se. Similarly, we found that wild rice does not pose a threat to the overall well being of the lakes. In fact, we found that the wild rice provides many ecological benefits for both the lakes and users of the lakes, although at the cost of restricted motor boat navigation for which alternatives are available. Most importantly, we found that the lakes cannot be all things, to all people, at all times.

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*“Contrary to what most lake users believed, we found that the severity and long duration of the winter were the dominant causes of Ballard’s 1995-96 winterkill, and not wild rice per se.”*

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The consideration of options related to the Lakes Management Plan provided exposure to several examples of how things could really run amok when careful consideration is not given to the downside risks of well-intended actions. These examples can also serve as powerful educational tools aimed at changing the way we think about shallow lake ecosystems. These systems are fragile, extremely complex, “living bodies,” which are not easy to manipulate or “quick fix.” In almost all cases, it seems best to work with Mother Nature, rather than against Her.

The comprehensive data sets collected by our Project Teams and consultant provide a detailed characterization of the three lakes and their watersheds that will serve as a valuable reference for future studies and evaluations. By every measure, we found that the lakes have made a remarkable recovery and give every indication of good health with no mysterious forces at work. As for the fisheries, Harland Carlson expects the fishing to improve steadily with ever more fish growing to quality size. Local guide Mike Errington agrees and looks forward to a great future for the fishery. He is particularly impressed with the superb quality of pan fishing that is already available to anglers. Based on the progress made with fishery restoration, guide Tony Zinda picked Ballard as one of his top ten fishing spots for 2000 and beyond.

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*“By every measure, we found that the lakes have made a remarkable recovery and give every indication of good health with no mysterious forces at work.”*

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As for the future, we see the challenge ahead to be the education of the community of lake users on topics vital to the health and protection of our lakes. Some priority items involve enhancing understanding of how the lakes work with aquatic plants in general, and with wild rice in particular; how and why WDNR environmental policy tightly constrains options for wild rice control to absolute minimal removal; and how water quality can be diminished by motorized boating in the sensitive shallow areas of the lakes, poor waterfront landscaping practices, and faulty septic systems. Intergenerational continuing education will be key to the long-term ecological health of our lakes.

Frank G. Splitt  
November 7, 2000

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## GLOSSARY of TERMS

**Anaerobic** – Oxygen-depleted, here meaning that there is insufficient oxygen to sustain the life of fish and other aquatic organisms as well as maintain the stability of oxygen based chemical compounds.

**Algae** – A general term applied to photosynthetic single celled (phytoplankton) or multi-celled organisms that are either suspended in water (plankton) or attached to rocks and other substrates (periphyton). They may have a variety of colors depending on their characterizing pigment (green, blue-green, red-green, yellow-green etc.). Their abundance, as measured by chlorophyll *a* (green pigment) in an open-water sample, is commonly used to classify the trophic status of a lake. See Eutrophication.

**Algal blooms** – Surface scums of blue-green algae, which accumulate under calm weather conditions from populations that were previously distributed throughout the water.

**Diatoms** – A group of algae, brown or yellow colored, that is very common in natural waters. The cell wall is made of polymerized silicate, forming a sort of glass, and is readily preserved in sediments when the organic part of the organism decays. Because of long interest in this algal group, its ecology is reasonably well known and diatoms in fossil deposits can now be used to interpret changes in past environments.

**Eutrophication** – The process by which lakes are enriched with nutrients, increasing the production of rooted aquatic plants and algae. The extent to which this process has occurred is reflected in a lake's trophic classification: oligotrophic (nutrient poor), mesotrophic (moderately productive), and eutrophic (very productive and fertile).

**Nutrient** – Substances required by living organisms for growth and maintenance. Here the term is largely confined to nitrogen and phosphorus, which are usually scarce in available forms relative to need. Some 20 other elemental substances are ultimately needed, however, most are in relatively abundant supply.

**Paleolimnology** – Study of the history of freshwater lakes from an investigation of the contents of their sediments. Diatoms and pollen are useful in identifying past aquatic plant communities. Accurate dating of sediment core samples can be achieved via radioactive dating using Lead-210 and Cesium-137.

**pH** – An index of lake water acid level. A pH of 7 is neutral (distilled water that is free of carbon dioxide). In Wisconsin, pH ranges from 4.5 in some acid bog lakes to 8.4 in hard water lakes characterized by an abundance of calcium carbonate.

**Secchi disc** – An 8-inch diameter circular plate with alternating white and black quadrants that is used to measure water clarity (light penetration). The disc is lowered into the water from the shaded side of a boat until it disappears from view and then raised until it is just visible. An average of the two visible-depth readings is, by definition, the Secchi disc reading.

**Wild Rice** – A shallow rooted aquatic plant that sprouts from seed each spring. It is native; grows throughout the eastern half of the United States and neighboring portions of Canada, but is most abundant in Minnesota and northern Wisconsin.

*Adapted, in large part, from Understanding Lake Data, UW Cooperative Extension Publication G3582, and Brian Moss, Reference 11.*

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# IRVING LAKE: A Wild Rice and Shallow Lake Story

## BACKGROUND

Every lake has a story, and Irving Lake is no exception. However, this lake story is also about wild rice. Located in the Northern Highland-American Legion State Forest, the lake forms the headwaters of the White Birch-Ballard-Irving Chain-of-Lakes. The lakes are just north of the village of Star Lake along Vilas County Highway K, Rustic Road 60.

The Wisconsin Department of Natural Resources (WDNR) awarded two Lake Planning Grants to the Ballard-Irving-White Birch Lakes Association, Inc. in April 1999. The three lakes then became the subjects of projects aimed at the development of a comprehensive Lakes Management Plan. The intent of the plan is to guide the WDNR, lake property owners, and the larger community in future years. Bob Young, WDNR Northern Region Lakes Program Coordinator, provided oversight and served as an advisor. The Lakes Association, with expert technical guidance from its consultant, Steve McComas of Blue Water Science, managed the projects. One of the important objectives of these projects was to determine whether wild rice presents a significant problem for the lakes. This determination is a focal point of the paper.

## BEGINNINGS

The story begins when the last glacier left the Northern Highlands region of Wisconsin more than ten thousand years ago. As it left, it deposited immeasurable amounts of glacier-transported outwash, consisting of boulders, rocks, gravel, sand and clay, on an existing dome-shaped, granite base that is over one billion years old. Formidable glacial ice blocks melted and left numerous water filled depressions that were to become one of the largest concentrations of “kettle lakes” in the world. Hundreds of miles of streams and rivers and over 900 lakes now lie within the State Forest. One of these lakes has come to be known as Irving Lake.

When European contact occurred in the 1600s, the people of Wisconsin included the Menomonee (the Wild Rice People) and the Dakota Sioux. The Ojibwa, largest of the Great Lakes woodland tribal groups, arrived later. They found themselves in competition with the Dakota Sioux over the same set of natural resources. Both peoples harvested wild rice in the fall, hunted in the winter, made maple syrup in the spring, and farmed in the summer. Wild rice harvests were indeed an integral part of the lifestyle of native peoples who left a legacy of forest settlements. This was certainly true for the Ojibwa located near Lac du Flambeau and Trout Lake. Wild rice was important to early European and government explorers as well. Their journals contain many references to the plant they found growing on the lakes and rivers they traversed [1-3].

Some ten thousand years after the auspicious birth of the lake, a narrative of explorations made in the region during 1847 contained the following journal entry describing the country [4]:

*“October 1-A heavy frost this morning; the thermometer standing at 25 degrees Fah. At half past six o’ clock. We crossed First White Elk Lake, and by a stream twenty feet wide and a quarter of a mile long, passed into Second White Elk Lake, which is about two miles long and one mile wide. From this, we passed into Third White Elk Lake, by a stream ten yards wide and three hundred yards long. This lake is nearly circular and about one mile in diameter. It is very shallow, not having a depth of more than three feet at any point, and has a mud bottom. We noticed here a phenomenon, not hitherto observed in any of the great number of small lakes we have seen in the territory. The whole surface of the lake was covered with bubbles of light carburetted gas, which were constantly ascending from the bottom.”*

First, Second, and Third White Elk Lakes are now known as White Birch, Ballard, and Irving Lakes. Along with Lake Laura, they were also known as the White Deer Lakes, likely because of the numerous sightings of albino deer in the area.

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*“We noticed here a phenomenon, not hitherto observed in any of the great number of small lakes we have seen in the territory. The whole surface of the lake was covered with bubbles of light carburetted gas, which were constantly ascending from the bottom.”*

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*J.G. Norwood, 1847*

## **IRVING LAKE TODAY**

Irving is a shallow lake of some four hundred acres, with depths ranging up to thirteen feet, but only about four feet on average. It is likely that it was born a shallow lake, though, not nearly as shallow as we find it today. In addition to watershed runoff, Irving is fed by drainage from wetland spring ponds, as well as several lakebed springs. Because it is so shallow, it is very susceptible to winterkill. The lake is aptly described in a Wisconsin Conservation Department Lake and Stream Classification Project Report from the early 1960s [5]:

*"Irving Lake is a moderately fertile drainage lake. It has clear alkaline water of low transparency depending somewhat on the algal response to the lake's fertility. Bottom materials consist chiefly of muck and sand, with some gravel and rock.... The principal fish species present are the muskellunge, walleye, largemouth bass and panfish. In the shallow, mucky areas of the lake, aquatic weeds are a problem to navigation.... There are two cottages on this lake. Due to the extensive public frontage, much of the wilderness character of the shoreline has been retained. Beaver are known to be present and the lake is of significance to waterfowl. The lake is used as a nesting site by mallard and black ducks and is used on the fall and spring migration by puddle ducks, diving ducks, coots and Canada geese."*

Very little has changed in the years since. Today, many people find Irving to be one of the most beautiful and pristine public lakes in the state of Wisconsin.

Prior to a devastating winterkill on the three lakes in 1995-96, Irving was widely known as a "go to" lake with a superb fishery. The lake received national attention in 1986 when a *Wall Street Journal* Leisure and Arts column described fishing for Irving muskies [6]. The lake is now returning to fishing prominence by virtue of the execution of a rapid fisheries assessment and an aggressive fish-stocking program led by Harland Carlson, (now retired) WDNR Fishery Biologist. Additionally, an aeration system and a big hand from Mother Nature have led to the remarkable recovery from the fish kill as well as the present health of all three lakes.

## **WILD RICE and IRVING LAKE**

Since Irving Lake is nutrient-rich and the shallow water allows sunlight to penetrate to almost all of the lakebed, rooted aquatic plants can grow in profusion. Among the fifteen identified species are wild rice, white water lily, pickerelweed, and variable pondweed. The aquatic plants cover up to 80% of the lake, with wild rice contributing up to 40% of the total plant coverage. Irving is ideally suited to grow wild rice and has done so ever since the relatively sparse rice beds of the 1940s and 1950s were said to be expanded by plantings some time in the late 1950s or early 1960s.

The wild rice on Irving can be seen to have several positive attributes. It serves as food for both human and wildlife consumption. Irving has become a popular spot for hunting migratory birds as well as a "fish factory" for muskie, walleye, bass, and panfish. The dense aquatic vegetation limits motorized boat traffic, so the lake is relatively peaceful and serves as a wildlife observatory in a setting of great natural scenic beauty. From these points of view, wild rice is really a good thing. So, what is the problem?

## **EXPRESSED CONCERNS ABOUT WILD RICE**

The often-expressed downside attributes of the wild rice on Irving Lake are that during the summer months, riparian property owners become virtually "rice-bound," and the lake becomes effectively unusable for motorized boating. Since beauty is in the eyes of the beholder, some see the marsh-like summertime condition of the lake as undesirable.

There has also been serious concern that the winter water outflow from Irving may be increasing the likelihood of winterkill in downstream Ballard and White Birch Lakes. Why the serious concern? The oxygen-depleted winter water outflow can increase chemical and biological oxygen demands on these already winter-stressed lakes. Though not supported by historic data, some thought that this could be an annual event given the abundant nutrients in Irving's sediments. Wild rice converts dissolved nutrients into shoots that die off and decay, depleting Irving's dissolved oxygen and enriching its already nutrient-rich outflow. Based on this thinking, eutrophication of all three lakes could be accelerated.

Our Lake Usage Survey indicated that about 50% (15/31) of the respondents felt that the water quality of Irving Lake is poor, while about 60% (14/24) of the respondents felt that the water quality has decreased considerably over the time they have used the lakes, with this time ranging from 3 to 68 years. In the survey, subjective water quality indicators were described as such things as water clarity, algae, weeds or plants, swimming conditions, fishing conditions, and so forth. The survey also indicated that 88% (22/25) of the respondents think that the most serious problem relating to Irving Lake is the wild rice,

and 44% (16/36) of their comments stated the wild rice should be eradicated or controlled in some way. Worthy of note were the following remarks: “Get rid of the wild rice and eliminate the source of Ballard’s problem;” and “Get rid of the wild rice and never again introduce any non-native plant or aquatic form of life on any of the lakes.” Consideration had to be given to a related sentiment as well, “Irving never had any wild rice, it was planted by somebody.” All of these concerns have been expressed in a variety of other ways, such as “The lakes may be suffering from too much of a good thing.” “Swimming is not good like it was in the past due to the wild rice and the muck and sludge created by the rotting straw,” and “Entry to Irving should be a channel, not a sewer. Remove some of the wild rice from Irving.”

Clearly, there are a large number of lake users who, for various reasons, not only believe that wild rice is a bad thing, but that it presents a serious problem as well. These deeply seated concerns reflect the fact that many of us in the Lake Association did not understand how the lakes worked in the past and how they really work now. With our almost total focus on winter conditions, we did not understand how wild rice and other aquatic plants work to benefit all of the lakes during the summer growing season. And further, that over the long term, the loss of wild rice, either by removal or by natural causes, will release sediments for colonization by competitive aquatic plants that would have essentially the same general effect on water quality and wintertime oxygen depletion as the wild rice.

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*“Sometimes, the knottiest dilemmas, when seen from the systems point of view, aren’t dilemmas at all. They are artifacts of “snapshot” rather than “process” thinking, and appear in a whole new light once you think consciously of change over time.”*

*Peter M. Senge, The Fifth Discipline-The Art & Practice of the Learning Organization, Doubleday, 1990*

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#### **OXYGEN-DEPLETION and the 1995-96 WINTERKILL**

Irving Lake has a history of depleted winter oxygen [7]. For example, a 1960 Wisconsin Conservation Department report on Irving Lake [8] stated: “Water smells bad, but melting snows will increase oxygen from this date on.” The perception then developed that “the lake is sick,” or, “it smells because of the rice.” This should not be a surprising response from anyone who experiences the pungent “rotten eggs” smell associated with anaerobic (oxygen-depleted) lake water. Under anaerobic conditions, hydrogen sulfide, carbon dioxide, and methane can rise from decaying lake sediments and disperse into lake water and open air. This is a completely natural, but noxious process—dissolved hydrogen sulfide is toxic to fish and other aquatic organisms. Based on the earlier quote from the 1847 journal account, Irving Lake has a long history of generating an abundance of these gases from its age-old sediments, especially below winter ice and snow cover.

The winter of 1995-96 was unusually severe, with ice-on from November to May and with a deep covering of snow. Under these conditions, shallow lakes like Irving exhibit the characteristic signs of oxygen-depletion. In fact, Irving Lake was on the WDNR’s winterkill list because of its history of fish kills. However, neither Ballard nor White Birch Lakes had such a history. So what happened this time? To answer this question let us first understand what is meant by winterkill.

Winterkill occurs when dissolved oxygen reaches critically low concentrations and is not able to sustain fish life. As ice and snow cover form, aquatic vegetation is denied the amount of sunlight it requires for photosynthesis. Without the ability to photosynthesize, the aquatic plants die off, decay, and become net oxygen consumers rather than suppliers. With no oxygen available from photosynthesizing plants or atmospheric mixing, and with fish, decaying plants, sediments, and other aquatic organisms consuming oxygen, it is only a matter of time before the available oxygen is exhausted. If relief is not provided soon enough by springtime ice-out, suffocation and the toxic effects of dissolved hydrogen sulfide kill fish. Now, to answer the question: Why Ballard and White Birch?

Ballard Lake is relatively shallow (no more than 20% of the lake has a depth greater than 17 feet) and has an abundance of aquatic vegetation. Because of these characteristics, the lake is inherently susceptible to winterkill, though to a lesser degree than Irving Lake. As the winter progressed, Irving Lake’s outflow of oxygen-depleted, hydrogen-sulfide, and nutrient-rich water, as well as migrating fish, increased the biochemical oxygen demand on Ballard Lake. However, this incremental contribution to Ballard’s oxygen

depletion was likely small compared to the much larger self-demands of this already severely winter-stressed lake. Nonetheless, the long duration of the winter ice and snow cover did not allow the possibility for Ballard to escape winterkill by virtue of an early spring ice-out. Instead, Ballard and most northern Wisconsin lakes experienced the latest ice-out in recorded history. Even marginally susceptible White Birch could not escape the winterkill “domino effect” set in motion by the long duration of the severe winter. Here, winterkill conditions triggered the instinct-driven descent of numerous fish down White Birch Creek where they were able to survive in the relatively oxygenated Aqualand fishponds.

The conclusion that can be drawn is that wild rice per se had little to do with the winterkill in Ballard and White Birch Lakes. Put another way, natural factors, represented by extremely long ice and snow cover, dominated the fish kill in both relatively shallow lakes. These natural factors of weather and shallow water have likely been working this way on all three lakes for hundreds of years.

A cascading aerator was found particularly well suited to mitigate winterkill conditions in the downstream lakes. This type of aerator transfers dissolved hydrogen sulfide gas to the atmosphere while performing its primary task of re-oxygenation. Credit for the timely introduction of this type of aerator goes to Mike Coshun, (then) WDNR Woodruff Area Fishery Supervisor, who researched and then recommended cascading aeration for our application shortly after the 1995-96 winterkill.

### **WILD RICE and the HALSEY LAKE EXPERIENCE**

During the course of our work on the Lake Planning Grant Projects, it was discovered that neighboring Florence County, Wisconsin, was having quite a different problem with wild rice on Halsey Lake. According to long-time lake resident and lake leader, Jeannie Nowak, Halsey is a shallow lake that supported beds of wild rice until the mid 1950s. The Halsey Lake residents had no idea why the wild rice went bust. Subsequent efforts to reseed the rice, in cooperation with the U.S. Forest Service have failed.

Since Jeannie and I were both attending a Lake Leaders Institute Seminar, we spoke with Sandy Engel to get his insights on the Halsey Lake situation. Sandy is a well-known expert on aquatic ecology, macrophytes, and the restoration of aquatic habitat [9]. Sandy laid out the wild rice story in essentially the same manner as our consultant, Steve McComas, had done at our last two Annual Meetings of our Lake Association. He said that rice crops can persist on lakes that have little water flow but will vary in abundance from year to year, with a typical four-year period that includes a boom year, two fair years, and a bust year. Sandy’s main point was the need to sow the wild rice seeds in six inches to three feet of water (with one to two-foot depths preferred) and over several (at least 5 to 10) successive years. This can establish a seed bank that emulates the natural dormancy of wild rice seeds, and so allows the rice to survive successive years of crop failure.

In subsequent meetings with Sandy and Laura Herman, WDNR Water Biologist, other short-term causes for wild rice decline were discussed. Any of the following factors singly, or in combination, could have contributed to the loss of wild rice on Halsey Lake and downstream Fay Lake: an increase in water level or constant water level over several years; a reduction in lake nutrients below the level required to sustain the crop; wave action from high winds and boat wakes, especially in mid-June when the new plants are in their floating leaf stage; reduced water clarity (increased turbidity) that produces a sunlight shading effect, especially for submerged plants attempting to grow in two or more feet of water; polluted water; influx of exotic aquatic plant species and rough fish; lack of flowing water; muskrats that feed on springtime shoots and ripening blooms; and a change in a lake’s water chemistry. Concerning water chemistry, wild rice stands usually need a pH of 6.8 to 8.8, a sulfate concentration of less than 10 parts per million, and alkalinity from 5 to 250 parts per million [10].

### **WILD RICE and IRVING LAKE’s WATER QUALITY**

How can a list of extinction factors be at all relevant to Irving Lake? Obviously, the list could serve as a “how-to” recipe for getting rid of the rice or controlling its growth. However, permission would have to be obtained from the WDNR because wild rice is a protected resource. It is highly unlikely that such permission would be granted unless the rice plants unduly restrict riparian property usage. The reasons for this are the very high overall value the WDNR, the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), and other agencies place on the ecological benefits of wild rice and their acute sensitivity to the fact that there has already been a substantial loss of historic rice beds in the state of Wisconsin [2].

Wild rice could very well be classified as a Goldilocks type of aquatic plant; things have to be “just right” for it to persist and prosper. Therefore, wild rice can serve as a rough biological health indicator. A natural loss of its healthy rice beds could signal a possible severe deterioration in the water quality of the lake.



Another rough indicator of good water quality is the Bryozoan colonies observed in the Ballard-Irving thoroughfare by Paul Garrison, Steve McComas, and the author. These colonies require good water quality to persist. The presence of both wild rice and Bryozoans indicates good water quality in Irving Lake.

Wild rice and other rooted aquatic plants act to improve water quality during the growing season. They do this in two ways. First, they consume nutrients that could otherwise fuel algal blooms and cause the lake to switch from rooted plants to algae, creating pea soup-like water [9,11,12]. Second, they help prevent the mobilization and resuspension of sediments by buffering wave action, stabilizing sediments, and discouraging motorized boating [13,14]. Therefore, under extended calm water conditions, Irving Lake should exhibit its best water clarity (lowest turbidity) during the growing season of a bumper rice crop and its poorest clarity (highest turbidity) during the growing season of a bust year. Fair rice years would be expected to give intermediate results. Water clarity should also be expected to decrease after the rice and other aquatic plants die off in the fall since the plants are no longer consuming available nutrients.

Should WDNR permission be granted for a large-scale physical removal of Irving's wild rice, Irving could become a murky, algae-dominated lake. The mobilization and resuspension of nutrient rich flocculent muck and other sediments into the water column would likely contribute most to the transformation. This would occur before other aquatic plants would have a chance to expand to fill the functional voids of nutrient consumption and sediment stabilization. Mondeaux Flowage in Taylor County provides an example [15]. After residents removed wild rice, one of the self-help volunteers noted that with the wild rice present, the water clarity was good, but with the removal of the wild rice, the water became more turbid, and algal blooms were more prevalent. It is important to note that once algae dominate a shallow lake, it is difficult to bring it back to a clear water state [14].

To emphasize the point that the large-scale removal of aquatic plants is detrimental to lake water quality, consider Thunder Lake in Oneida County that lost its submerged aquatic plants in the 1980s, likely to fish community changes set in motion by a severe winterkill and a subsequent explosion in bullhead population. The lake became algae dominated and subject to pea soup-like conditions for a number of years, with Secchi depths less than one foot. Kentuck Lake in Forest and Vilas Counties also lost its submerged aquatic plants in the 1980s after an invasion of rusty crayfish, with a response essentially the same as that for Thunder Lake [16]. A switchover from aquatic plant to algae domination has also been observed to occur naturally. Mason Lake in Adams County exhibited this characteristic. Rapid spring warm-up favored algae, which then dominated and shaded out rooted aquatic plants [17].

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*“Which is worse? The spread of the invader or the risk associated with containing it?”*

*Professor Joel Trexler, Florida International University  
On the invasion of the Florida Everglades by the Asian swamp eel.*

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#### **MORE on WILD RICE EXTINCTION**

Recall an earlier statement: “The lake never had any wild rice....” The word *never* takes in a lot of time—in this case, over 10,000 years. It is difficult to tell what really took place on Irving Lake over the course of that many years. Today the lake is ideally suited to growing wild rice and is doing just that. However, according to Kay Vaughan, who spent summer long vacations from 1925 through 1936, canoeing and fishing the lake with her family, there was no wild rice to be seen at the time. Very clear aerial photos of the lake, taken in November 1937 and October 1950, corroborate this observation, as they show no visible indication of rice beds anywhere on the lake.

Further corroboration of these observations has come from Paul Garrison, WDNR Paleolimnologist, who has just completed a preliminary Irving Lake sediment core analysis [18]. Paul found no evidence of rice pollen in a sample “core-slice” corresponding to the 1950 period, while he found such evidence in slices corresponding to known rice crop years of 1995 and 1970. Of potential historical significance is the fact that Paul found no visible evidence of rice pollen in samples corresponding to 1880 and 1730 time frames.

It is to be noted that the on-the-lake, photographic, and core-sample visual observations discussed above do not altogether preclude the presence of sparse colonies of wild rice plants at the “time” of observation. The basis for this uncertainty is that with a sparse rice crop, there is correspondingly sparse evidence

signaling the presence of rice plants. This “weak-signal” could have been below the minimum signal detection capability of the observer or observing device. Nevertheless, very long periods of wild rice extinction could very well have been part of the Irving Lake story. The typical four-year cycle of boom, fair, fair, and bust rice crops, could have been superimposed on a much longer cycle. Within this longer cycle there could have been extended times when the rice crop could go boom, go bust, or be limited to some intermediate range of development, all of which would have been determined by climatic changes, large-scale beaver damming, or other macro events.

#### **SUMMARY of PROJECT FINDINGS**

The following Lake Planning Grant Project findings and observations were based on Steve McComas’s analysis and interpretation of extensive water quality monitoring data, lakebed sediments, lake/watershed structure, and lake usage surveys, as well as a detailed examination and study of aquatic vegetation. Consultation with other lake specialists provided critical affirmation of these findings and observations. Those relative to Irving Lake are summarized here. Additional information on these and other findings can be found in the Lake Management Plan that resulted from the Planning Grant Projects [19].

**General** – Irving Lake is a very shallow and nutrient rich lake that is presently aquatic plant-dominated as opposed to algae-dominated.

**Water Quality** – Irving Lake has poorer clarity and higher nutrient levels than downstream Ballard and White Birch Lakes and relatively better clarity and lower nutrient levels when compared to other shallow lakes in the region; there is no indication of pollutants leaching from the old county landfill into the water that is tributary to the lake; the lake can experience severe algal blooms and switchover to an algae-dominated lake if wild rice and other rooted aquatic plants do not maintain their dominance, for whatever reason; wild rice does not adversely affect the water quality of the lake but rather works to improve its water quality as measured by summertime water clarity.

**Impact on Downstream Lakes** – Wild rice does not have an adverse impact on Ballard and Irving Lakes during the summer growing season; water quality in these downstream lakes has not deteriorated but rather appears to have improved slightly since the late 1920s, based on water clarity and phosphorus levels; wild rice is not likely to encroach into Ballard and White Birch Lakes on a large scale because of the sediment and depth characteristics of these two lakes, however, relatively sparse colonization is possible; wild rice probably exerts slightly higher chemical and biological oxygen demands on the downstream lakes than would some other aquatic plants of comparable coverage during the winter season when decomposition takes place under ice and snow cover, however, cascading aeration of the winter water inflow to Ballard Lake from Irving Lake serves to reoxygenate the water, as well as remove dissolved hydrogen sulfide gas, thus mitigating any incremental oxygen demands placed on the downstream lakes.

**Navigation** – Wild rice is a hindrance to motorized whole lake navigation, however, it can still occur, even in boom years; the rice is a motorized navigational nuisance for two riparian property owners, especially during boom years; the rice is not a hindrance to canoeists and kayakers; wild rice hindrance to motorized navigation may be considered to be advantageous to both water quality and the fishery as it impedes the stirring up of lakebed sediments and reduces very heavy fishing pressure by making this popular lake more difficult to fish.

**Fishery** – Wild rice provides Irving Lake with an excellent habitat for spawning and for the entire food chain of a healthy fishery; decreasing dissolved oxygen levels and increasing dissolved hydrogen sulfide levels in Irving Lake triggers an instinctive winter migration of its fishery into Ballard Lake.

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*“...the lake can experience severe algal blooms and switchover to an algae-dominated lake if wild rice and other rooted aquatic plants do not maintain their dominance....”*

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## RECOMMENDATIONS

The following is a partial list of Steve McComas's recommendations for maintaining and protecting the water quality and fisheries of Irving, Ballard, and White Birch Lakes. This list focuses on Irving-related recommendations. See Reference 19 for more detail.

1. Continue to manage Irving Lake as an aquatic plant-dominated shallow lake.
2. Continue to deploy the cascading aerator, with existing turn-on procedure, to re-oxygenate and remove hydrogen sulfide from the winter water outflow from Irving Lake.
3. Obtain approval from the WDNR to cut minimum-sized channels to provide riparian property owners access to the Ballard-Irving thoroughfare.
4. Continue to work with wildlife managers to control late fall time beaver dam construction in the Ballard-Irving culvert to maintain a clear path for migrating fish.
5. Continue to monitor water quality, specifically including testing for wintertime dissolved oxygen at the culvert, Secchi disk readings on all three lakes, and other trophic status indicators (total phosphorous and chlorophyll *a*) as budget and manpower constraints permit.
6. Provide educational materials and programs for the community of lake users to enhance understanding of how Irving Lake functions with aquatic plants in general and wild rice in particular; how and why WDNR environmental policy tightly constrains options for wild rice control to absolute minimal removal; and how water quality can be diminished by motorized boating in the sensitive shallow areas of the lake, poor waterfront landscaping practices, and faulty septic systems.

## CONCLUDING REMARKS: WORKING on LAKE TIME

Work on the Lake Planning Grants resulted in a better understanding of the natural history and ecology of Irving Lake and an appreciation of the fact that it has likely been functioning as it does now for hundreds of years. A better understanding of the interdependence of the three lakes and how they function with wild rice was gained as well. We found that wild rice does not pose a threat to the overall well being of Irving, Ballard, or White Birch Lakes. In fact, it was found that the wild rice provides many ecological benefits for both the lakes and users of the lakes. Although these benefits come at the cost of restricted motor boat navigation, alternatives are available to address concerns. Most importantly, the lake simply cannot be all things, to all people, at all times.

The consideration of options related to the Lake Management Plan provided exposure to several examples of how things could really run amok when careful consideration is not given to the downside risks of well-intended actions. These examples can also serve as powerful educational tools aimed at changing the way we think about what can be done to enhance shallow lake ecosystems. These systems are fragile, extremely complex, "living bodies," which are not easy to manipulate or "quick fix." In almost all cases, it seems best to work in harmony with Mother Nature, rather than against Her.

Finally, it is difficult for most of us, who are not "lake professionals," to appreciate the complex nature of these ecologically valuable lake ecosystems due to our extremely narrow view of time and a cultural sense of urgency. Our lifelong view of time is but a blink of the eye in lake time. We simply need to do our best to gain in wisdom and work to understand the interdependent rhythms and workings of the natural world. We can then better visualize this world working on its own time—in this instance, with wild rice in a shallow headwaters lake called Irving.

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*"We simply need to do our best to gain in wisdom and work to understand the interdependent rhythms and workings of the natural world."*

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## ACKNOWLEDGEMENTS

The work described in this paper was done under WDNR Lake Planning Grants LPL 602 and LPL 613. My profound thanks go to Bob Young, Steve McComas, Laura Herman, and Paul Garrison for their many helpful insights, suggestions, and patience while they taught me the intricacies of lake ecosystems, and to Sandy Engel, who provided all of this, as well as infectious enthusiasm and the initial motivation to write the paper. Each of these individuals reviewed the paper and made many helpful suggestions during its development and, along with Peter David and Ron Eckstein, reviewed the final draft.

Many others contributed by way of informative discussions and constructive comments during the course of the projects. Among these were Tom Hrabic and the late Tom Frost from the UW/Trout Lake Station, Scott Kimball, President of the Boulder Junction Area Historical Society, and long-time Irving Lake summertime residents Jim and Kay Vaughan and Rea and Jean Frisbie. Special thanks go to Jim Vaughan, Rea Frisbie, Joe Heitz, Dick Malmgren, Bill Grunwald, Dwight Sandman, and Wes Jahns who made valuable contributions to watershed explorations, water-quality monitoring, and aerator installation and oversight, as well as to Vicki Gillett for working the Lake Usage Survey. Finally, my thanks to the Town of Plum Lake Board, my wife Judy, and the many unnamed others who so strongly supported this work.

Frank G. Splitt  
November 26, 2000

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**Frank G. Splitt** is President of the Ballard-Irving-White Birch Lakes Association, and a member of the Wisconsin Lake Leaders Institute's CREW III. He served as the manager of the Lake Planning Grant Projects covering Ballard, Irving, and White Birch Lakes. He holds a Ph.D. in Electrical and Computer Engineering from Northwestern University. Frank is the McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University, and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs, including, *Creating our Common Future - Reflections on the Four Es: Environment, Education, Energy and Economics*.

## *On Wisdom*

*For it is (wisdom) who gave me unerring knowledge of what exists,  
To know the structure of the world and the activity of the elements;  
The beginning and end and middle of times,  
The alternations of the solstices and the changes of the seasons,  
The cycles of the year and the constellations of the stars,  
The natures of animals and the tempers of wild animals,  
The powers of spirits and the thoughts of human beings,  
The varieties of plants and the virtues of roots;  
I learned both what is secret and what is manifest,  
For wisdom, the fashioner of all things, taught me.*

*The Book of Wisdom 7:17-22*

**BALLARD-IRVING-WHITE BIRCH LAKES ASSOCIATION, INC.**

**P.O. BOX 1137**

**STAR LAKE, WISCONSIN 54561-1137**

# **BIRGE & JUDAY DATA: Application and Reliability Perspectives**

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**A TIME COMPARATIVE STUDY OF WATER QUALITY  
ON BALLARD, IRVING, AND WHITE BIRCH LAKES:  
A Contemporary Application of Birge & Juday Data**

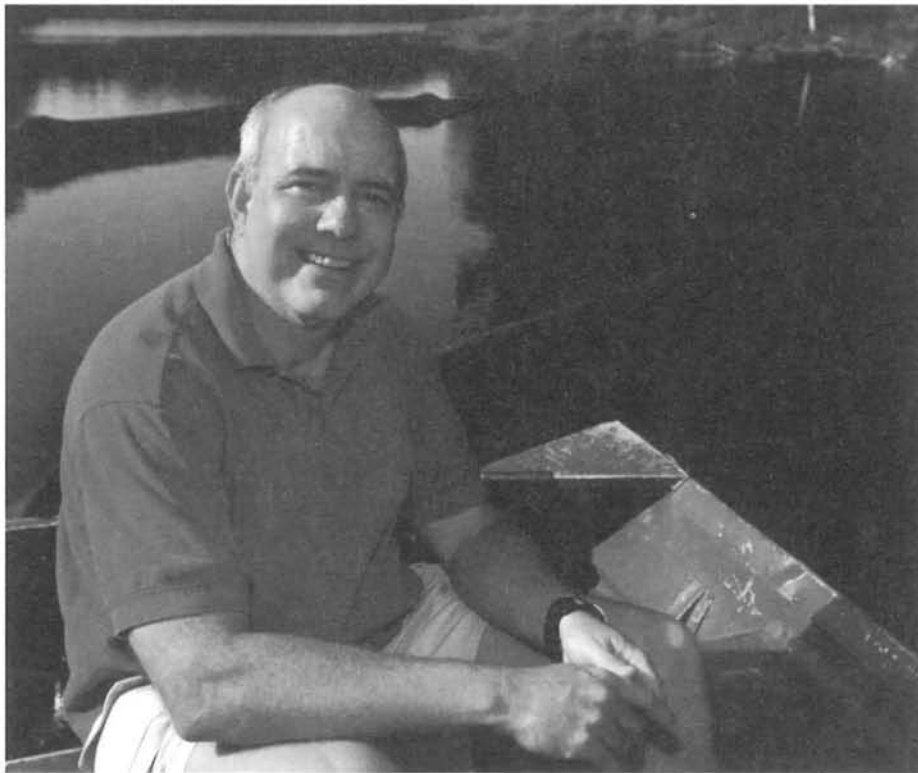
**LAKE WATER SAMPLING AND TESTING IN THE 1920s:  
A Glimpse into the Past**

**TOTAL PHOSPHORUS CONCENTRATION DETERMINATIONS IN  
THE 1926-1930 ERA: A Note on the Reliability of Birge & Juday Data**

**BALLARD-IRVING-WHITE BIRCH  
LAKES ASSOCIATION, INC**

## *DEDICATION*

*This publication is dedicated to the memory of Dr. Thomas M. Frost, the late Associate Director of the Center for Limnology, University of Wisconsin – Madison, and Director of the Trout Lake Station. He was a superb and dedicated teacher as well as an internationally renowned scientist in his own right. His technical advice and personal counsel were invaluable contributions to the overall success of our Lake Planning Grant Program.*



*Dr. Thomas M. Frost*

*Photo by Jeff Miller  
UW-Madison University Communications*



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**Frank G. Splitt**

**Ballard-Irving-White Birch Lakes Association, Inc.**

**February 13, 2001**

**Wisconsin Lake Management Planning Project Grant Program  
Project Nos. LPL-602 and LPL-613**



E. A. Birge, shown in his raft some 55 years after he arrived at UW-Madison in 1875 as a 24-year old instructor in natural history. He brought with him an insatiable curiosity about lakes and streams. With Chancey Juday, he founded the UW-Madison Trout Lake Station in 1925. The data gathered by Birge and Juday on Ballard, Irving, and White Birch Lakes, during the summers of 1926 through 1930, provided the basis for the comparative study.

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## FOREWORD

When Edward Birge, Chancey Juday and their colleagues began their pioneering limnological investigations more than 70 years ago in northern Wisconsin, their goal was to uncover basic principles about lakes. They were extremely successful, writing in depth about various physical, chemical, and biological properties of lakes. Yet, one of the most valuable by-products of their research was a legacy of data that has served as a benchmark against which we can compare the present status of our lakes.

But comparisons of old and new data are seldom as straightforward as we would like. Field and laboratory methods change, the original sampling and analysis equipment is often long gone, and the original investigators can no longer clarify subtle points of procedure. It can be misleading, and even dangerous, to compare old and new data sets without a careful analysis of the potential problems and pitfalls such a comparison presents. That is why this report by Frank Splitt is so valuable. He has undertaken a careful and thorough analysis of the comparability of several of the Birge-Juday datasets with more modern data collected on a suite of lakes.

One of the goals of a research university is that the knowledge it helps to develop will find its way into the public domain. It is even more rewarding when public use of this knowledge leads to increased understanding and the creation of more knowledge. Such is the case here. I can't help but believe that Birge and Juday, the limnological pioneers, would have been proud to see their data still being used today.

Timothy K. Kratz, Ph.D.  
Senior Scientist and Acting Associate Director  
Trout Lake Station  
Center for Limnology  
University of Wisconsin-Madison

## PREFACE

Wisconsin's lakes are in jeopardy on numerous fronts and many lakes need help. Many property owners and other lake users are not aware of their impact on the ecological health of the lakes. Much of the management of lakes in Wisconsin is limited by a lack of information about the lakes, their watersheds, and the people who use them. Little is known about the water chemistry of the lakes in years past. The sheer number of lakes dictates that much of the management of lakes in Wisconsin must rely on citizen and local government action as well as cooperation. These are the challenges before us.

Experience teaches that the single constant in nature is change. In years past, changes to our Wisconsin Lakes could be measured in decades, if not centuries. Unfortunately, this is no longer the case. Accelerated shoreland development, the invasion of exotic species, pollution, increasing lake usage by more and ever more powerful recreational vehicles, and other related problems are sharply accelerating the pace of change. This change is by no means for the good of the lakes, especially so for our highly sensitive shallow lakes. The future health of our lakes and our lake communities will be determined, to a large degree, by the extent to which lake residents and other lake users accept responsibility for environmental issues concerning the lakes. In addition, the environmental health of our lakes will depend on how well we manage the demand for waterfront property.

We are now poised at a turning point in the history of the management of Wisconsin's lakes and waterways. The Lake Management Planning Grant and Lake Protection & Classification Grant Programs have been designed to help respond to the challenges outlined above. Specifically, these programs can provide the economic resources required to help meet the twin objectives of obtaining a better understanding of our lakes and of appropriately managing our lakes, both by way of local participation and responsibility.

The articles in a companion Lake Planning Grant Program publication, *WISCONSIN LAKES: A Trilogy*, provide an illustrative example of how this program made it possible for a community of concerned citizens to respond to problems and issues relative to their chain of three shallow lakes. The program enabled funding of laboratory tests and analyses and, most importantly, allowed contracting the services of a lake expert to perform technical fieldwork as well as guide the efforts of local volunteers.

This special supplemental study component of our Lake Planning Grant Program Final Report provides historical insights and perspectives on the application and the reliability of data taken on our lakes some 70 years ago. It also provides a good example of the need to characterize lakes by means of standardized tests and procedures supported by well-defined documentation. Most importantly, they highlight the need to monitor the status of our Wisconsin Lakes on a regular basis. How else can we find out "what's happening, and determine what best to do about it?"

Frank G. Splitt

Star Lake, WI  
January 30, 2001

## ACKNOWLEDGEMENTS

The investigations described herein were performed under WDNR Lake Management Planning Grant Projects LPL-602 and LPL-613. It was through these grant projects that we were first introduced to the work of Birge & Juday. Jim Vaughan [UW, BSCE '38], a long time Irving Lake resident, and a past chairman of the University of Wisconsin Foundation played a key role in this Birge & Juday story – aided and abetted by his wife Kay [UW, HE '39], an even longer time resident. Both Jim and Kay are staunch supporters of the University of Wisconsin, and the sponsors of three Bascom Professorships. Kay possesses a keen memory of her childhood summers spent at the Kuechenmeister family's Irving Lake cabin, dating back to 1924. Shortly after the grant awards, Jim visited John Magnuson at the UW-Madison Center for Limnology. Based on Kay's recollection of "the man with the funny hat on our lake", he sought to determine whether anything was ever documented on the apparent testing on Irving Lake sometime in the late 1920s. John responded by sending excerpts from the 1984 Mark Johnson report to Jim who gave them to me – "for possible future reference." Among those excerpts was a computerized Birge & Juday data sheet covering Ballard, Irving, and White Birch Lakes. My thanks to Jim, Kay and John for the "beginnings."

I am especially indebted to Katherine Webster, WDNR, who not only did the critical literature search that made this work possible, but also facilitated contacts with experts in the field, acted as a sounding board throughout both investigations, and reviewed the final drafts. Special thanks also go to Paul Garrison for his contributions, insights, encouragement, and reviews. The cooperative efforts on our Grant Projects by Tom Hrabik, and the late Tom Frost, UW-Madison, Center for Limnology, Trout Lake Station, are gratefully acknowledged as well.

My thanks also to, David Armstrong, UW-Madison, Timothy Kratz, UW-Madison Center for Limnology/TLS, Dick Lathrop, WDNR & UW-Madison Center for Limnology, Steve McComas, Blue Water Science, Dick Stephens, UW-Stevens Point, George Bowman and Anthony Plourde, Wisconsin State Laboratory of Hygiene, and John Birge, McCormick School of Engineering and Applied Science, Northwestern University, for their interest and the benefit of informative discussions, as well as to Laura Herman, WDNR, for her help with networking. I also must thank and acknowledge Bob Young, WDNR, whose persistent questions stimulated the undertaking of the first of the investigations described herein.

The Offices of the Wisconsin Association of Lakes (WAL), Vilas County Land and Water Conservation, the Vilas County Lakes Association (VCLA), and the Vilas County University of Wisconsin-Extension provided financial support for the publication of these study reports. Here my appreciation and thanks go to Donna Sefton, WAL, Tiffany Lyden, Vilas County Land and Water Conservation, Mary Platner (VCLA), Bryan Pierce, Vilas County UW-Extension, and to the following benefactors whose generosity made this publication possible: Joe and Jennifer Heitz, Steve McComas, Blue Water Science, Howard Thompson, Professor Emeritus, UW School of Business, and Jim and Kay Vaughan... I also thank you for your keen interest and your enthusiastic support of this work.

# A TIME COMPARATIVE STUDY OF WATER QUALITY ON BALLARD, IRVING, AND WHITE BIRCH LAKES: A Contemporary Application of Birge & Juday Data

## BACKGROUND and PURPOSE

What do we know about water quality measures from years past; and of what value would these measures be anyway? This note addresses both questions in the context of concerns about water quality in the Ballard-Irving-White Birch Chain-of-Lakes, Vilas County, Wisconsin.

Thanks to the persevering work of limnology pioneers, Edward Birge and Chancey Juday we have total phosphorus (TP) concentration and Secchi disc depth data on all three lakes for the period 1926 to 1930 [1]. Although these data are sparse, they appear to be sufficient to serve two important purposes. The first is to provide a basis for comparing present-day water quality with water quality from sometime before the late 1950s. The late 1950s time is of significance because this is when the relatively sparse wild rice beds that existed before this time were said to be expanded by multiple plantings [2]. The second purpose is to provide primary data that may be of value in a current paleolimnology study of Irving Lake by Garrison [3].

## THE BIRGE & JUDAY DATA

The Birge & Juday data on the three lakes are portrayed below in Table 1. Note that Table 1 also appears in the TABLES Section on page five. Henceforth, all referenced tables appear in the TABLES Section. Here the data are shown in the form of SD, TP data points corresponding to the lake sampled and the sample date. The values and units in this table are the same as reported by Johnson [1].

**Table 1 – Secchi Disc Depth and Total Phosphorous Concentration (SD, TP)  
Data Points From 1926 to 1930 – SD (meters), TP (milligrams/liter)**

| Sample Date | Irving<br>SD, TP | Ballard<br>SD, TP | White Birch<br>SD, TP |
|-------------|------------------|-------------------|-----------------------|
| 8/07/26     | ___, 0.028       | ___, 0.030        | ___, 0.019            |
| 7/14/27     | ___, 0.030       | 1.5, 0.028        | ---                   |
| 8/19/27     | ---              | ---               | 2.2, 0.020            |
| 8/18/28     | ___, 0.023       | 2.5, 0.015        | 2.5, 0.017            |
| 7/29/29     | ---              | ---               | 3.0, 0.018            |
| 7/31/29     | ---              | 2.0, 0.024        | ---                   |
| 8/22/29     | ___, 0.017       | ---               | ---                   |
| 6/27/30     | ---              | 3.0, ___          | ---                   |
| 6/28/30     | ---              | ---               | 3.5, ___              |

Table 2 shows the same data as in Table 1 with the units of TP concentration changed from milligrams per liter to parts per billion (ppb), and SD depth units changed from meters to feet. Additionally, the original depth readings have been increased by 5% to account for the use of a 10-centimeter, rather than a 20-centimeter (approximately 8 inch), diameter Secchi disc for ease of field handling [1]. An average value for each of the data points has been added for convenience of future reference.

## COMPARATIVE ANALYSIS – PART I

Average SD depths and TP concentrations from 1999-2000 testing on Wisconsin Lake Management Planning Grant Projects LPL 602 and 613 [4] are shown in Table 3. The dates correspond closely with the days-of-the-year on which Birge and Juday did their sampling on the indicated lake. This was done for consistency, and does not imply a more accurate comparison, although this could very well be the case.

Also shown, are SD-depth readings taken in 1960 [5]. These partial data points represents the paucity of trophic status indicator data on the lakes covering the period after the Birge and Juday Survey up to 1960.

Let us now proceed with a comparison of the data from the two times. First we introduce the parameter TP\*, which, by definition, represents the difference between a TP concentration measurement value from the Birge & Juday data on a given day, less the same measurement value taken in the 1999-2000 time period on, or reasonably close to, the same day-of- the-year. Similarly, we define the parameter SD\*, the value of which is given by the difference between a SD depth measurement value from the Birge-Juday data, less the corresponding measurement value from the 1999-2000 time period.

Table 4 shows a summary of the data from Tables 2 and 3 in accordance with the above definitions. Here the data are expressed in terms of range (R) and average (A) data points. The ordering of the test dates is the same as in Table 2, again, for convenience of reference. Next, to facilitate a side-by-side comparative analysis of the lake data, we form the array of key parameters shown in Table 5. This table builds on the data in Tables 2, 3, 4 and our definitions. Observations, relative to each of the three lakes, follow from an examination of Table 5.

**Irving Lake** – Birge and Juday did not take Secchi Disc readings on this lake. Most likely, they did not have a detailed knowledge of the lake's structure, and were unaware of the whereabouts of the "deep" holes. Consequently, they were able to see the bottom in this mostly shallow lake (Paul Garrison, WDNR, personal communication). However, the 5.5-foot SD reading on 8/15/60 could possibly be compared to the 6 foot August average for 1999-2000. The past TP concentrations consistently measured less than they do now – about a 12-ppb difference on the average, with an difference range of 8 to 18-ppb less. Given the 24.5-ppb, average TP concentration in the 1926-1930 reference period, the average summertime TP concentration is now 51% greater.

**Ballard Lake** – Reference to Tables 4 and 5 will show that the early SD depths were consistently less than at present, 4 feet less on average with a range of 1.2 to 6.3-feet less. This represents about a 50% increase in average SD depth. Similarly, the Birge & Juday data show that past TP concentrations were consistently greater than at present, about 10-ppb greater on average with a range of 2-ppb to 17-ppb greater. The TP concentration is now seen to be over 40% less on average.

**White Birch Lake** – Reference to Tables 4 and 5 will show that the Birge & Juday depths were less than, or equal to, corresponding 1999-2000 depths, a little over 3-feet greater on average with a range of 0 to 5.4-feet greater. Here the early data show a TP concentration range consistently greater than at present, 4.6-ppb greater on average with a range of 3-ppb to 6-ppb greater. This represents about 25% less TP concentration today than existed in the 1926-1930 period.

## COMPARATIVE ANALYSIS – PART 2

**General** – The foregoing data comparisons indicate that summertime TP concentration levels in Irving Lake are greater now than they were in the late 1920s, while the TP concentrations in Ballard and White Birch Lakes are now substantially less. Furthermore, SD depth readings on both Ballard and White Birch Lakes are also substantially greater relative to the late 1920s era. It would appear that Table 5 summarizes the whole story and that we can now move on to our conclusions – would, that this be so.

In making these comparisons, it has been tacitly assumed that the Birge & Juday data is completely trustworthy. However, on what basis can we have confidence in this seventy-year old data? Put another way, can conclusions based on this data really stand up to rigorous scientific challenge? These are difficult questions to answer since the test apparatus and procedures that were utilized at the time cannot be easily replicated. Nevertheless, according to Magnuson [6], considerable effort has been expended in scientific "detective work" to gain a better understanding of how a wide range of the early measurements were made. A better understanding of sensitivity and resolution considerations involving these early measurements would allow comparisons to be with made with a high degree of confidence. This confidence would be based on a good sense as to the limits of early testing capabilities. Fortunately, for our



present purposes, we should be able to utilize the Birge & Juday data with a high degree of confidence. Here is why.

**Secchi Disc Depth Measurements** – As discussed previously, the Birge & Juday SD depth readings were increased by 5% to account for their use of a 5-centimeter, as opposed to a 10-centimeter, diameter disc. Additionally, five of the six data points conform to a linear model “track”, while a reasonable explanation has been given for the non-conforming point; see End Note 1. Although SD depth readings are subjective by their very nature, there is no apparent basis for a lack of confidence in the overall accuracy of the Birge & Juday SD depth data. However, given their use of one-half meter measurement increments, there is an inherent one-half meter (20-inch) range of uncertainty associated with each of their depth measurements. This uncertainty can be accounted for with a (a more convenient to apply) +/- 1-foot uncertainty band when interpreting comparative data. If taken in this context, the Birge & Juday SD depth readings are considered sufficiently accurate for our purposes.

**TP Concentration Measurements** – According to Johnson [1], the Birge & Juday TP concentration data were obtained by a colorimetric-ceruleomolybdate reaction in an oxidized water sample. The procedure was modified in 1927, and possibly modified again in 1931. All of this was confirmed by a detailed literature search [7-10]. Modern automated-colorimetric procedures have a limit of detection of 5 ppb, (George Bowman, and Anthony Plourde personal communications). The sensitivity of the early procedures is currently suspect by some. However, Birge and Juday were not confronted with threshold level concentrations on any of these mesotrophic lakes. TP concentrations, ranging from 15 ppb to 30 ppb, were made on a routine basis during the 1926-1930 era [7]; see also End Note 2. However, questions remain as to potential issues with “sample-to-sample” repeatability, “lab-to-lab” data correlation, and the possibility of unknown sources of color contaminating interference. It would appear reasonable to assume that we can account for these and other related, vagaries by assigning a +/- 3-ppb uncertainty range to the Birge-Juday TP concentration data when using this data as a reference in comparisons with those obtained from the Lake Planning Grant Planning Grant Program. This amounts to a +/- 20%-uncertainty factor when applied to the lowest recorded measurement of 15 ppb.

**Comparative Analysis with Uncertainty Factors** – Table 6 is a modified version of Table 5 – reflecting the uncertainty factors discussed above. An examination of this table will show that, although the factors introduce relatively wide ranges of uncertainty, the range extents are not wide enough to overcome the margins represented by the original (unmodified) Birge & Juday data. For example, the only entry that shows a change in sign is the TP\* Range over the Ballard Lake test dates, from 2 ppb to 17 ppb to -1 ppb to 20 ppb. This is considered to be negligible in view of the still relatively high value (6.8 ppb) of the low-side TP\* Average, and the fact that it represents a less than 5% overlap.

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*“...although the uncertainty factors introduce relatively wide ranges of uncertainty, the range extents are not wide enough to overcome the margins represented by the original (unmodified) Birge & Juday data.”*

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In light of all of the above, and with a high degree of confidence, we can now summarize the discussion by stating that:

***Relative to the 1926-1930 Time Period:***

***Irving Lake*** – Average TP concentrations are now 35% to 72% greater.

***Ballard Lake*** – Average TP concentrations are now at least 28% less, and average SD depths are now at least 34% greater.

***White Birch Lake*** – Average TP concentrations are now at least 7% less, and average SD depths are at least 20% greater.

## DISCUSSION

The increase in TP levels, in Irving Lake at the present time, agrees with results from a sediment core analysis by Garrison [3]. Phosphorus levels in the core are at their highest in the upper portion. This increase in the summertime TP concentrations in Irving Lake appears to indicate that the lake's aquatic organisms, aquatic plant and algal communities have become quite efficient in "capturing" and retaining phosphorus from the atmosphere and various other organic sources through a variety of recycling mechanisms. No doubt, wild rice plays an important role in this recycling dance.

Garrison also took sediment cores from Ballard and White Birch Lakes with the aim of comparing present day water quality to pre-1900 conditions [4]. He was able to estimate phosphorus concentrations based on diatoms, and found that these concentrations have increased from 10 ppb to 13 ppb in Ballard Lake, and from 9 ppb to 11 ppb in White Birch Lake. The present day inferred levels are similar to those based on our 1999-2000 samples.

Garrison also found that the cores indicate that nutrient levels have only increased a small amount – certainly much less than indicated by the B&J data and commented as follows, *"I have seen this type of change in Curtis Lake, Waushara County. The only disturbance in the watershed of this lake was shoreline development. When I analyzed the top and bottom of the core there was very little change in nutrients. Later, we analyzed the whole core. It turned out that during the period 1960-1970 when homes were being built, and there was no agriculture, nutrients in the lake were much higher. Apparently, the same trend has occurred in Ballard and White Birch,"* (Paul Garrison, January 24, 2001, personal communication).

What could account for the relatively high TP concentration levels in the 1926-1930 era? Perhaps, a part of the explanation can be based on "abnormal" local conditions a few years before the advent of the Birge & Juday survey. For example, the Ballard-Irving-White Birch Lakes area was the scene of large-scale logging activities and extensive slashing fires in the early 1900s. Another widespread slashing fire occurred in 1920. Consequently, the watershed was exposed, and, therefore susceptible to more soil erosion and attendant nutrient loading with a likely increase in TP levels. As seen in the above, these higher levels, compared to present-day levels, correlate with the Secchi Disc trends on both Ballard and White Birch Lakes.

## CONCLUSIONS

Two basic conclusions can be drawn from the comparative analysis and the above discussions. The first is that, relative to a late 1920s baseline, the water quality in Ballard and White Birch Lakes, as indicated by lower TP concentrations and higher SD depth readings, has not deteriorated. The second conclusion is that summertime TP concentrations in Irving Lake are greater than they were in the late 1920s. On the other hand, the single Irving Lake depth measurement taken in 1960 would appear to indicate that there has been no substantial change in depth readings *since that time*. However, natural year-to-year variability in this measure, and the lack of additional depth as well as corroborating TP concentration data from this period, effectively negates this conclusion.

Based on all of the above, there is a very high degree of confidence that, relative to a 1926 to 1930 baseline, the water quality in Ballard and White Birch Lakes has not been degraded as a consequence of the late 1950s to early 1960s multiple plantings, and subsequent profuse growth, of wild rice in Irving Lake. On the contrary, the water quality in these lakes appears to be better now than it was in the 1920s.

Finally, a word about the importance of long-term data gathering and careful documentation. It was Johnson's documentation and quality assurance report, on the Birge and Juday Survey of Wisconsin Lakes of the Northern Highlands [1], that made it possible to gain insights, make observations, and draw meaningful conclusions from seventy-year old data.

Frank G. Splitt  
January 25, 2001

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## TABLES

**Table 1 – Secchi Disc Depth and Total Phosphorous Concentration (SD, TP)  
Data Points From 1926 to 1930 – SD (meters), TP (milligrams/liter)**

| Sample Date | Irving     | Ballard    | White Birch |
|-------------|------------|------------|-------------|
| 8/07/26     | ___, 0.028 | ___, 0.030 | ___, 0.019  |
| 7/14/27     | ___, 0.030 | 1.5, 0.028 | ---         |
| 8/19/27     | ---        | ---        | 2.2, 0.020  |
| 8/18/28     | ___, 0.023 | 2.5, 0.015 | 2.5, 0.017  |
| 7/29/29     | ---        | ---        | 3.0, 0.018  |
| 7/31/29     | ---        | 2.0, 0.024 | ---         |
| 8/22/29     | ___, 0.017 | ---        | ---         |
| 6/27/30     | ---        | 3.0, ___   | ---         |
| 6/28/30     | ---        | ---        | 3.5, ___    |

**Table 2 – Secchi Disc Depth and Total Phosphorous Concentration (SD, TP)  
Data Points From 1926 to 1930 – SD (feet), TP (ppb)**

| Sample Date       | Irving    | Ballard   | White Birch |
|-------------------|-----------|-----------|-------------|
| 8/07/26           | ___, 28   | ___, 30   | ___, 19     |
| 7/14/27           | ___, 30   | 5.2, 28   | ---         |
| 8/19/27           | ---       | ---       | 7.6, 20     |
| 8/18/28           | ___, 23   | 8.6, 15   | 8.6, 17     |
| 7/29/29           | ---       | ---       | 10.3, 18    |
| 7/31/29           | ---       | 6.9, 24   | ---         |
| 8/22/29           | ___, 17   | ----      | ---         |
| 6/27/30           | ---       | 10.3, ___ | ---         |
| 6/28/30           | ---       | ---       | 12.0, ___   |
| 1926-1930 Average | ___, 24.5 | 7.8, 24.3 | 9.6, 18.5   |

**Table 3 – Secchi Disc Depth and Total Phosphorous Concentration (SD, TP)  
Data Points From 1960, 1999 and 2000 – SD (feet), TP (ppb)**

| Sample Date | Irving  | Ballard  | White Birch |
|-------------|---------|----------|-------------|
| 8/15/60     | 5.5, __ | 8.5, __  | 10.0, __    |
| 1999- 2000  |         |          |             |
| 6/27, 28    | 6.0, 50 | 11.5, 19 | 12.0, 15    |
| 7/14        | 5.5, 42 | 11.5, 17 | 12.5, 13    |
| 7/29, 31    | 6.0, 39 | 12.0, 15 | 13.0, 13.5  |
| 8/07        | 6.0, 36 | 12.0, 13 | 13.0, 14    |
| 8/18-22     | 6.0, 35 | 12.0, 13 | 13.0, 14    |

**Table 4 – Secchi Disc Depth and Total Phosphorous Concentration Data Difference Points (SD\*, TP\*) for  
Corresponding Test Dates in the 1926-1930 and 1999-2000 Time Periods – SD\* (feet), TP\* (ppb)**

| Sample Date | Irving<br>SD*, TP* | Ballard<br>SD*, TP* | White Birch<br>SD*, TP* |
|-------------|--------------------|---------------------|-------------------------|
| 8/07        | __, - 8            | __, 17              | __, 5                   |
| 7/14        | __, -12            | -6.3, 11            | ----                    |
| 8/19        | ----               | ----                | -5.4, 6                 |
| 8/18        | ----               | ----                | -2.7, 4.5               |
| 7/31        | ----               | -5.1, 9             | ---                     |
| 8/22        | __, -18            | ---                 | ---                     |
| 6/27        | ----               | -1.2, __            | ---                     |
| 6/28        | ----               | ----                | 0.0, __                 |

**Table 5 – Secchi Disc Depth and Total Phosphorus Concentration Parameter Comparisons – SD (feet), TP (ppb)**

| Parameter   | Irving    | Ballard      | White Birch |
|---|-----------|--------------|-------------|
| A1, SD Average over 1926-1930                         | ---       | 7.8          | 9.6         |
| A2,,SD* Average over test dates                       | ---       | -4           | -3.1        |
| SD* Range over test dates                             | ---       | -1.2 to -6.3 | 0 to -5.4   |
| % Change in SD Average<br>over 1999-2000 = 100(A2/A1) |           | (51%)        | (32%)       |
| A3, TP Average over 1926-1930                         | 24.5      | 24.3         | 18.5        |
| A4, TP* Average over test dates                       | -12.5     | 9.8          | 4.6         |
| TP* Range over test dates                             | -8 to -18 | 2 to 17      | 3 to 6      |
| % Change in TP Average<br>over 1999-2000 = 100(A4/A3) | (51%)     | 40%          | 25%         |

**Table 6 – Secchi Disc Depth and Total Phosphorus Concentration Parameter Comparisons with Uncertainty  
Factors for Birge & Juday Data – SD (+/- 1 foot), TP (+/- 3 ppb)**

| Parameter   | Irving         | Ballard      | White Birch  |
|---|----------------|--------------|--------------|
| A1, SD Average over 1926-1930                         | ---            | 6.8 to 8.8   | 8.6 to 10.6  |
| A2, SD* Average over test dates                       | ---            | -5 to -3     | -4.1 to -2.1 |
| SD* Range over test dates                             | ---            | -0.2 to -7.3 | 1.0 to -6.4  |
| % change in SD Average<br>over 1999-2000 = 100(A2/A1) | ---            | (34% to 74%) | (20% to 48%) |
| A3, TP Average over 1926-1930                         | 21.5 to 27.5   | 21.3 to 27.3 | 15.5 to 21.5 |
| A4, TP* Average over test dates                       | -15.5 to -9.5  | 6.8 to 12.8  | 1.6 to 7.6   |
| TP* Range over test dates                             | -21 to -5      | -1 to 20     | 0 to 9       |
| % change in TP Average<br>over 1999-2000 = 100(A4/A3) | (-35% to -72%) | 28% to 47%   | 7% to 49%    |

## END NOTES

**Note 1: On Linear SD, TP Data Relationship** – It is of interest to note that, over the observed range of data, the Birge & Juday (ST, TP) data points for Ballard and White Birch Lakes, conform closely with the linear relationship,

$$SD = 12.6 - 0.262 TP \text{ feet}; 30 \text{ ppb} = /> TP >/= 15 \text{ ppb.}$$

However, there is a non-conforming point corresponding to the 7/29/29 measurements on White Birch Lake. The anomaly could indeed represent a unique condition at the time. On the other hand, it could also be an artifact of the half-meter increment of SD depth measurement that Birge and Juday used on these lakes beginning in 1928. These relatively large increments, coupled with a high-side round-off error for a reading between 2.5 and 3.0 meters could also explain the anomalous data point – this point is 1.8 feet (0.545 meters) “off” the value given by the linear equation. It is likely that this was indeed the situation that prevailed, rather than an unusual lake condition.

**Note 2: On TP Concentration Measurement Readings** – The set of integers, (15, 17, 17, 18, 19, 20, 23, 24, 28, 28, 30, 30), corresponds to the numeric values of the twelve Birge & Juday TP concentration data points. If we put aside the origin and physical interpretation of this set of numbers, we can focus on the statistical implications of the numbers themselves. To begin, we see that the numbers are whole, and range from 15 to 30 with an average value of 22.41 that can be compared to the average value of 22.5 for an equally likely distribution of the numbers in this range. Second, we see that the integers are not clustered about multiples of 5 or any other value. Third, in this range of sixteen-possible reported whole numbers, seven are non-reported, six are reported once, and three are reported twice. This mix of seven 0s, six 1s, and three 2s is slightly “lumpy”, in the sense that the relative frequency of 0s, 1s, and 2s is uneven, compared to that of a uniformly random process with its most-likely mix of eight 0s, and eight 1s. Nevertheless, all of this strongly suggests the possibility of a uniform, random distribution of the integer data values reported for TP concentration measurements. A Chi-Square test of just such a hypothesis indicates about a 20% likelihood of agreement. Based on this measure, we can state that from a statistical point of view, the Birge & Juday TP concentration data can be represented by a very-near uniformly random process. This means that any one of the sixteen possible integer data values, ranging from 15 to 30, was almost as likely to be reported as any other. Simply stated, there is little evidence of statistical bias for any of the measurement values.

Based on the above, it seems that the 1926-1930 era lab analysts thought that they were capable of measuring TP concentrations to within 1 ppb between 15 ppb to 30 ppb. Furthermore, based on their reputation for good science, Birge and Juday more than likely, would have challenged the lab analysts if their reported data reflected sensitivity and resolution beyond their capabilities. Though by no means a proof, the foregoing appears to be a persuasive argument for the integrity of the Birge & Juday data *in this application*. Nonetheless, there is always the possibility that the lab analysts were dealing with sources of error not considered here, such as water samples or fixing reagents containing unknown color affecting “contaminants.” The revelation of credible evidence to this effect would necessitate a modification of the +/- 3-ppb uncertainty factor.

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*“The lake is the one true microcosm, for nowhere else is the life of the great world, in all of its intricacies, so clearly disclosed to us as in the tiny model offered by the inland lake.”*

E. A. Birge, from an address entitled: *A House Half Built*, given to the Madison Literary Club on October 12, 1936.

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## LAKE WATER SAMPLING AND TESTING IN 1920s: A Glimpse into the Past

Thanks to the efforts of Annamarie Beckel and others, we can get a sense of the times and a feel for what was really “going on” when our lakes were being sampled during the 1926-1930 era. For example, just getting to and from the Madison campus of the University of Wisconsin was a major feat in its self. At the onset of the Survey of the Lakes of the Northern Highland Lake District in 1925, there were only 20 miles of paved roads between Madison and the Trout Lake Limnological Laboratory of the Wisconsin Geological and Natural History Survey, as the Trout Lake Station was called by Birge and Juday. The other 200 miles of the trip was rough gravel.

Getting to and on the lakes to be sampled was even more difficult. According to Rex Robinson, a student of analytical-chemist George Kemmerer, who worked as an assistant to Birge and Juday at TLS during the summers of 1926 through 1929: “*We used a Model T Ford for transportation to the neighboring lakes. The “improved” roads were gravel and became very rough during heavy summer usage. Remote lakes were served with dirt roads, usually of very poor quality. Many lakes were inaccessible except by trail. We made use of rowboats at resorts whenever available. If no boat was available, we set up a portable wood-frame canvas boat or inflated a portable rubber boat. A few times one of us would swim out a distance from shore to take a water temperature and obtain a sample.*

*“During the summers I was at Trout Lake, we investigated over 500 lakes in Vilas and adjoining counties.... As most of the lakes had not been investigated limnologically before, we would first sound the lakes for depth with lead and calibrated line to establish our station at the location of the deepest depth. Water temperatures were taken at different depths to establish the thermocline. Samples of water and plankton were taken at appropriate depths. Readings for turbidity were usually taken with a Secchi disc.*

*“After our samples were taken, we would hurry home to the laboratory for the analytical work. Thousands of analyses were made during a summer’s work. The normal list included: pH, dissolved oxygen, free and fixed carbon dioxide, soluble phosphate, organic phosphorus, soluble silicate, nitrate, nitrite, ammonia, organic nitrogen. Each day the results were reported to Dr. Birge or Dr Juday.... Our lives were busy ones, breakfast at 7 a.m. and off to the selected lake(s) of the day as soon as we could load up the auto with the necessary bottles and needed equipment. We worked seven days a week. The only diversion was fishing on Trout Lake or the Saturday night dance at the Trout Lake Dance Pavilion at the south end of Trout Lake. But those were pleasant summers and I treasure the memories.”*

Robinson received his Ph.D. in 1929. He then joined the Chemistry Department faculty at the University of Washington, retiring as Emeritus Professor of Chemistry in 1971. Here we note the importance of the chemists. All of the lake-water sampling would have been for naught if reliable measurements could not be made on the samples. The essential players in this area were George Kemmerer and Villiers Meloche. It was Kemmerer who directed all of the critical analytical-chemical work for Birge and Juday at Trout Lake and in Madison... covering a complete set of field determinations spanning 19 different chemical physical and biological items. Following the death of Kemmerer in 1928, direction of the analytical-chemical work was taken over by Villiers Meloche, who was a pioneer in the applications of new instruments to chemical analyses. Much of the credit for the success of the Survey can be attributed to the contributions of these outstanding chemists. Without their breakthrough thinking in the application of micro-analytical chemistry, there would be no meaningful Birge & Juday data to investigate, or, for that matter, even consider for use as a basis for comparison with data obtained by present-day methods.

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The Robinson quotations and background information from: Annamarie L. Beckel’s *Breaking New Waters – A Century of Limnology at the University of Wisconsin*, Transactions of the Wisconsin Academy of Science, Arts, and Letters, Special Issue, Wisconsin Academy of Science, Arts, and Letters, Madison, WI, 1987.

# TOTAL PHOSPHORUS CONCENTRATION DETERMINATIONS IN THE 1926-1930 ERA: A Note on the Reliability of Birge & Juday Data

## Background and Purpose

A recent time comparative study of water quality on three Vilas County Lakes [1], used Birge & Juday (B&J) data from the 1926-1930 era. The B&J data was used to provide a reference to which 1999-2000 data was compared. During the course of this study, questions arose relating to the limitations of the test procedures used in the determination of the total phosphorus concentration levels in B&J lake-water samples. Specifically, the questions were these: “*On what basis can we have confidence in this seventy-year old data?*” and “*Can conclusions based on this data really stand up to rigorous scientific challenge?*” These are difficult questions to answer since the test apparatus and procedures that were utilized at the time cannot be easily replicated. Although these questions were addressed in the study paper, the discussion was ad hoc and necessarily brief. It soon became apparent that the complex issues surrounding the questions were such that further discussion would tend to overshadow the main topic of the study. It was also apparent that the issue deserved discussion on its own merits since the unresolved questions would continue to impede the use of B&J data. This note provides the vehicle for just that discussion.

The reference sources for this investigation are four related articles [3-6] that appeared in the Transactions of the Wisconsin Academy of Sciences, Arts, and Letters during the 1928 to 1931 period. These articles not only provided detailed descriptions of the methods for making chemical determinations, but insights into potential operational problems and the concerns of the authors as well. Briefly stated, they provided all of the “clues and evidence” upon which this investigation was based. In a manner of speaking, this evidentiary-reconstructive type of investigation can be described as scientific “detective work.” Magnuson [7], provides relevant commentary based on a similar UW-TLS investigation of Birge and Juday methods during the 1980s. Previous efforts to gain a better understanding of how 1926-1930 era measurements were made, appear to have been motivated by concern about acidification of lakes caused by atmospheric deposition. These efforts focused on a broad range of chemicals and lake-water properties such as calcium, alkalinity, conductivity, and pH, c.f. Eilers [8]. Notably absent from this broad range of parameters is total phosphorus. No doubt, its absence can be attributed to the difficult task of duplicating a very complex analytical method to enable comparison with modern day methods, c.f. Lathrop [9].

This note is focused on the measurement of total phosphorus in the lake water samples obtained by Birge and Juday. A better understanding of the limits to which the data from these early measurements can be trusted, would allow comparisons to be with made with some degree of confidence when the data is used within its range of applicability. By its very nature, this subject is not deterministic and, ultimately, must be described in the language of probabilities. The establishment of meaningful statistical confidence limits is necessarily based on their application and on a good sense as to the limits of early testing capabilities.

The aim of this note, is to identify as well as quantify sources of two types of measurement error. The first type involves the precision with which the lab analysts were able to make measurements on known chemical samples. The second type of error involves making precise measurements on samples contaminated by material that can affect the measurement of the target chemical. These contaminants can deceive by a virtue of a false high-side reading or a false low-side reading, and can be a by-product of the measurement process itself. As such, this type of error affects the accuracy of measurement. A reliable measurement is herein taken to mean a measurement that can be described in terms of the range of uncertainty corresponding to these errors. This note also aims to provide a reasonable range of uncertainty that can be used to establish confidence limits

## Phosphorus in Lake Water

**General** – In 1925 Birge and Juday began a survey of the lake waters of the Highlands District of northeastern Wisconsin that continued through the summer of 1930. During this period, they collected samples of lake water and of lake-water residues from over 500 bodies of water. Although various chemical

determinations were made on these samples. our present interest is the total phosphorus concentration levels reported by Birge and Juday via Johnson [2]. Since this methodology is an extension of that employed for the determination of soluble phosphorus, we will be discussing both. The unit of concentration measure for phosphorus that is used in this paper is parts per billion (ppb); see End Notes 1 and 2. Definitions of the three working measures for phosphorus concentration in lake water follow:

**Soluble Phosphorus Concentration (SP):** *The measure of pentavalent, "phosphate" phosphorus that is in solution.*

**Organic Phosphorus Concentration (OP):** *The measure, of the phosphorus contained in the plankton, other organic material, and as soluble non-pentavalent phosphorus compounds present in the water.*

**Total Phosphorus Concentration (TP = SP + OP):** *Soluble plus Organic Phosphorus*

In 1925, the first year of the survey, measurements were confined to SP. However as the survey progressed, it became evident to Birge and Juday that the determination of TP would contribute to a better understanding of the role phosphorus plays in lakes and a method was devised for such a determination [3].

### 1926-1930 Era Test Procedures for Phosphorus Concentration

**General** – Quantitative determination of SP was based on the Deniges colorimetric-ceruleomolybdc method as modified by Florentin and Atkins [3]. Hereafter, this method will be referred to as the DFACC method. This method determines the quantity of pentavalent, "phosphate" phosphorus that is dissolved in the water sample; see End Note 2. However, it will not determine the quantity of soluble non-pentavalent phosphorus compounds that may be present. It is of significance to note that Deniges reported on this technique in 1921 as a method for the quantitative determination of phosphate phosphorus in biological products. In the same year, Florentin reported on an adaptation of the method to enable determination of phosphate phosphorus in water. According to Robinson [4], Florentin stated in his report "*that the acidity of the solution for the colorimetric determination of phosphorus must be carefully regulated to secure accurate results.*" Atkins' contribution, in 1923, was to report on a modification of the Florentin method that provided a substantial increase in accuracy by means of ten-fold increase in the volume of the water sample – from 10 to 100 cubic centimeters. No mention is made in the referenced material as to the change in the sensitivity of the process to this change in water sample volume.

A review of the B&J SP data on water samples taken from several Wisconsin lakes in 1926 indicates that they were using the DFACC method to measure SPs as low as 4 ppb and resolve SPs to within 1 ppb in the low range, i.e., SP < about 20 ppb or so. This is indeed noteworthy because it gives us a clue as to the resolution and sensitivity capabilities of the method, including the colorimeter or Nessler tube type color comparator in use at the time. TP was determined by the same DFACC method after the organic material in the sample was thoroughly "digested," i.e., oxidized. The organic phosphorus is that which is contained in the plankton and other truly organic material that is present in the water. The oxidation process releases the phosphorus combined in organic compounds and oxidizes all of the dissolved non-pentavalent phosphorous compounds to the pentavalent state. Thus, the process also picked-up the phosphorus that was "missed" when determining SP. Although this would contribute to the measure of OP rather than SP, this artifact of the process is of no consequence to the measurement of TP.

**The Original Oxidation Procedure** – In the original procedure, 4 drops of sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) and 10 drops of nitric acid were added to a 100 cubic centimeter water sample. This was followed by an evaporation during which the organic material was broken down into pentavalent form. The evaporation of the mix was taken just to the point where sulfur trioxide (SO<sub>3</sub>) fumes of sulfuric acid were liberated, (H<sub>2</sub>SO<sub>4</sub> + Heat → H<sub>2</sub>O + SO<sub>3</sub>). At this point, 10 to 20 cubic centimeters of water and 3 cubic centimeters of concentrated hydrochloric acid were added. The evaporation process was then repeated. In this second evaporation, excess nitric acid was broken down by the hydrochloric acid. When cool, the sample was diluted to 100 cubic centimeters. The sample was then ready for treatment via the addition of prescribed quantities of stannous chloride and the molybdate reagent; see End Note 3. The blue color rendered by this treatment developed within 10 minutes and could then be compared with those developed from standard phosphate solutions (see End Note 1) that had been treated in exactly the same manner [2,3].



**The Robinson and Kemmerer Modified Oxidation Procedure** – Robinson and Kemmerer [4] reported on the development of a procedure that would eliminate one of the evaporation steps in the original procedure, and so speed-up the measurement. This procedure required only one evaporation “*just to the point where sulfur-trioxide (SO<sub>3</sub>) fumes of sulfuric acid are liberated.*” This modification to the original procedure may have led to more accurate, possibly higher TP determinations due to the fact that it was less likely that some of the phosphorus would be lost due to volatilization of phosphoric acid during the oxidation procedure. Although the author’s limited data indicates this possibility, based on a comparison of this process and the original, the approximately 1-ppb deviation is within the limits of experimental error for the determination. The important thing to note is that the two procedures yield essentially the same results. Put another way, the original procedure may have rendered determinations that were *possibly* 1-ppb less than this simplified procedure. Practically speaking, this should mitigate concern about a possible change in procedure during the 1926-1930 period as reported by Johnson [2].

**The Titus and Meloche Modified Oxidation Procedure** – In an attempt to develop an oxidation procedure that would permit SO<sub>3</sub> fuming without the loss of phosphorus, Titus and Meloche [5] performed a number of investigative experiments that resulted in the recommendation of a further modification in procedure. Since this was reported in 1931, one year after the last samples were taken, it is highly doubtful that the recommended procedure was ever used on reported field samples. As we shall see, the effort to achieve their objective produced data that provide a valuable insight into one of the potential sources of measurement error. The potential for this error was very worrisome to the Birge & Juday team, most likely because it was not well understood when they began TP measurements in 1926. More to the point, they did not have the benefit of the focused work of Titus and Meloche on oxidation fuming without a loss of phosphorus – that came some four to five years later at the end of the project.

**Error Sources in the Determination of TP Concentration  
With the DFACC Method**

**General** – In addition to errors related to matching the color intensity of the processed water sample with that of a set of prepared standards, the oxidation process introduced additional opportunities for errors of a much more complex nature. The process presented a dilemma for these early workers because it was vulnerable to two distinct, but related, forms of interference. This interference could possibly cause the DFACC method give low-side determinations. The first type of interference involved the presence of residual H<sub>2</sub>SO<sub>4</sub> in the oxidized water sample at the time of its treatment with the molybdate reagent. The excess H<sub>2</sub>SO<sub>4</sub> would, in effect, increase the amount of this component of the molybdate reagent. This would, in turn, render a non- standard reagent, and an alteration of the test protocol. The second form of interference was the potential loss of phosphorus via a volatilization mechanism during the oxidation procedure, which would lead to a low-side TP reading. The H<sub>2</sub>SO<sub>4</sub> dilemma faced by the Birge & Juday team was precisely this: If they used too little, the target phosphorus compounds would not be completely oxidized. On the other hand, if they used too much, the excess tended to inhibit proper color development. Both situations would render less than the correct TP measurement. Some sense of the magnitude of the potential errors comes from Robinson and Kemmerer [4], and Titus and Meloche [5].

**Error Due to Excess H<sub>2</sub>SO<sub>4</sub>** – From Robinson we learn of the effect of excess H<sub>2</sub>SO<sub>4</sub> on colorimetric comparison. Robinson’s data on the effect of sulfuric acid upon the intensity of the blue color rendered by the DFACC method can be used to develop a matrix that provides good insight to the subject at hand, namely, the sensitivity of the method to over-acidification. This data matrix is shown in the following table.

**Table –Present and Lost Phosphorus Concentrations as a Function of H<sub>2</sub>SO<sub>4</sub> Concentration– Concentrations: Phosphorus in ppb, H<sub>2</sub>SO<sub>4</sub> in one drop incremental additions to Phosphorus Solution (j), j = 1,2,3,4.**

| Phosphorus Present  | 10 | 20 | 30 | 40 | 50 | 60 |
|---------------------|----|----|----|----|----|----|
| Phosphorus Lost (1) | 1  | 0  | 0  | 1  | 0  | 0  |
| Phosphorus Lost (2) | 0  | 1  | 0  | 0  | 0  | 0  |
| Phosphorus Lost (3) | 1  | 0  | 2  | 2  | 1  | 3  |
| Phosphorus Lost (4) | 0  | 0  | 3  | 5  | 4  | 8  |

*Data from Robinson and Kemmerer, 1930*

Inspection of the table will show, that given small amounts of phosphorus (about 20 ppb or less), the loss of phosphorus is not appreciably affected by the use of even an additional 4 drops of H<sub>2</sub>SO<sub>4</sub> (effectively doubling the prescribed 4 drops). We also see, that with larger phosphorus concentrations, 2 drops of H<sub>2</sub>SO<sub>4</sub> (a 50% increase in the prescribed amount) would have no measurable effect, but given phosphorus concentrations greater than 30 ppb, more than 2 drops can lead to a considerable loss of phosphorus. To appreciate what this data implies we first note that the TP values in most of the lakes covered by the B&J data are less than 35 ppb [3,4,6]. For example, the maximum reading reported in our recent study [1], was 30 ppb. Second, we note that some of the H<sub>2</sub>SO<sub>4</sub> will be used to oxidize the target compounds of phosphorus and some will be neutralized by the carbonate in the water [4]. Based on this, a worst-case approximation for the upper bound on error attributable to excess acidification would be about -1 ppb. Returning to the example, of the 12 TP data points in the recent study, six were above 20 ppb. Taken together, these points caused an increase of less than 0.1 ppb in the average TP and a downshift of 2ppb in the estimated TP range when using this upper bound. Even this may have been an over-correction.

The data provided by Robinson can be also be considered from the point of view of excess H<sub>2</sub>SO<sub>4</sub>. One drop can be interpreted as a 25% excess, 2 drops as 50% excess, and so forth. A close look at the data indicates, that if 50% of the H<sub>2</sub>SO<sub>4</sub> is used in the oxidation procedure, then, within a +/- 1 ppb range of experimental error, there is no measurable error up to phosphorus concentrations of 60 ppb. This argument demonstrates that the oxidation procedure was much more tolerant to excess acidity than the Birge & Juday team realized. It also fortifies the basis for a conjecture that, for all practical purposes, this type of error should contribute a negative bias of no more than of 1 ppb to the "error pool", so long as the of B&J data is limited to applications on lakes that had TPs less than 50 ppb. Here we note that, "*In the great majority of the lakes the quantity of total phosphorus in the surface water ranged from 0.015 to 0.030 mg. per liter (15 to 30 ppb)...The mean quantity of total phosphorus in the surface water of 479 lakes is 0.023 mg per liter (23 ppb)*" [6].

**Error Due to Volatilization Loss** – In a 1928 report describing the original procedure [3], the authors make the following cautionary statement, "*There is a danger of losing phosphorus if fumes are allowed to pass out of the flask.*" The original procedure was clear in stating that evaporation of the mix takes place just to the point where sulfur trioxide (SO<sub>3</sub>) fumes of sulfuric acid are liberated. As evidenced by the cautionary remark, and the work to develop modified procedures, these early workers were well aware of the potential loss of phosphorus during the oxidation process. Apparently, quantification of this threat did not take place until the work of Titus and Meloche., and then, only indirectly.

Clues that help determine how large a loss of phosphorus this could have been, and the conditions under which this loss could take place, can be found in the data provided by Titus and Meloche [5]. The experiments that generated the data involved tests for the possible loss of phosphorus under various oxidation conditions. *Their experiments indicated that there was no loss of phosphorus over a wide range of temperature-time protocols even when SO<sub>3</sub> fumes were allowed to escape.* In fact, they found that with a temperature of 210-220 degrees Centigrade, fuming could take place for 55 minutes with considerable evaporation of H<sub>2</sub>SO<sub>4</sub> and with no loss of phosphorus. Of interest, is the result when the previous protocol was extended 5 minutes, to the point where the H<sub>2</sub>SO<sub>4</sub> was completely evaporated. In this extreme case, 30% of the phosphorus was lost, and *the only case where there was a measurable loss of phosphorus outside the range of experimental error.*

Titus and Meloche drew the conclusion, from these and other data that temperature-time protocols can be selected such that oxidation can take place with no loss of phosphorus even though SO<sub>3</sub> fumes are allowed to escape. A review of all of the Titus data indicates that it is unlikely that there was a significant loss of phosphorus with the oxidation procedures used to develop the B&J data. Given their sensitivity to the issue, it is more than likely that the lab analysts heeded the charge to take evaporation *just* to the point of fuming. *Most likely, this procedure would have reduced volatilization errors to relatively negligible proportions while tending to maximize the errors related to excess H<sub>2</sub>SO<sub>4</sub>.* With no evidence to the contrary, there appears to be little else that can be said about volatilization errors. Nevertheless, it would seem that comparative tests would have been done to determine whether the procedure recommended by Titus and Meloche would render larger values of TP than the original and modified procedures.

**Other Sources of Error** – The DFACC method of determining TP was quite complex and required great care in its execution. Potential sources of error seemed to be everywhere. Though by no means exhaustive, there follows a list of potential sources of error that are not covered in the above. Included among these, is the one that proved to be the most vexing of all – the possibility of external sources of color contamination.

*Color Comparison Errors* – These “errors” came about when the lab analysts made judgement calls when comparing the intensity of the treated oxidized water sample with prepared standards in colorimetric TP concentration determinations. Such calls tend to be skewed by suspended material, lighting conditions, and operator variability. There is abundant evidence in the cited references [3-6] for a procedure using standard increments adequate to the determination of TP concentrations with a resolution (precision) of 1ppb.

B&J data, covering up to 25 lakes in northeastern Wisconsin in 1926 and 1927 is tabulated in two of the cited references [3,6]. Of significance is the fact that the data is presented at different depths. It was the hope of Birge and Juday that the gathering of this data would confirm a theory (Atkins) involving the relationship between SP and phytoplankton. Though they were not able to confirm the theory, their data trail provides strong evidence in the area of lab analyst judgement calls on data runs. These runs correspond to a sequence of samples taken at various depths, in the same place, on the same day, and on the same lake. This is just the type of data required to gauge the resolution capability presumed by the lab analysts of that era. When examining sequential differences in the data set corresponding to each run, one sees a fairly even distribution of differences of 1 ppb, 2 ppb, and so forth. This strongly corroborates a conjecture that the lab analysts presumed to color match to within +/- 1 ppb of TP concentration. This would imply, but not prove, that they had the capability to do just that. Although documentation on the procedure for colorimetric comparison of samples and the color reference standards has not been found, a discussion of how this could have been done, and the likelihood of associated errors, is provided in End Note 4.

Of further interest is an observation indicating very strong autocorrelation of the above B&J data with digit shifts of 5 ppb. Major spikes occur at 15 ppb, 20 ppb, and 30 ppb. Additionally, low values were observed for +/- 1-ppb shifts about these spikes. Simply put, the data indicates “piling-on” at these spike values at the expense of the adjacent values, as for example, 19 ppb and 21 ppb in the case of a 20 ppb reading. Calculations indicate that averaging the data over the three data bins can smooth the distribution, and would be recommended in applications of B&J data involving comparative data ranges.

*Lab Related Errors* – This broad category of error sources covers deviations from strict adherence to protocols such as the use of altered color comparison standards that could have come about in the preparation, storage, and handling of standard solutions as well as the molybdate reagent. For example, the intensity of the blue color rendered by the method was time sensitive, fading at about 1%/hour over a period of 25 hours [3]. This could have led to readings that were greater or lesser than they should have been. Additionally, overexposure of the molybdate reagent to light would have altered the chemical composition of this reference color-producing reagent, and so alter the test results, as would excessive temperature differences between the treated standards and samples; see End Note 3. It is most likely that measurement errors involving these types of error sources were minimal. The nature of the project demanded state-of-the-art laboratory equipment and well disciplined laboratory practice, It especially required strict adherence to their well-documented test protocols. Though lacking the benefit of today’s ISO-9000 and Environmental Sciences standards [12], there is every evidence of conscientious and dedicated workmanship that may have provided a level of quality exceeding that of some modern-day commercial labs. Furthermore, this was a high profile project headed by the past president of the university. Although some of the above borders on pure speculation, Kemmerer and Meloche were premier analytic chemists, and their laboratories did have a reputation for excellent work.

*Color Interference Errors* – These errors involve the introduction of potential color “contaminants” that can either present the characteristic blue-color reaction in this procedure or interfere with color comparisons by adding color(s) of their own. This type of error could have been introduced via both internal and external mechanisms. For example, silica leaching [3] from solution and reagent containers would be internal, while dissolved organic carbon or silica contained in silted lake water samples would be representative of an external type of interference. With respect to the interference caused by the contaminants, we can state the following:

1. Internal contamination was likely negligible for the reasons given above. The testing did require a clean laboratory, but not the ultimate in clean-room standards. Most importantly, it required precautionary measures so to avoid the introduction of color contaminants – of this they were well aware, and were likely able to keep this source of interference to negligible levels.
2. External contamination by blue color rendering agents was certainly possible, however, there is no evidence that any such contaminants were present in the lakes of the Northern Highlands at the time when Birge and Juday were taking water samples. Since the DFACC method was susceptible to this type of interference, it is difficult to make a definite statement or draw a clear conclusion. Put another way, one would have the difficult task of “proving a negative.” Likely, there may be some that will always consider the DFACC method’s susceptibility to extraneous color contamination to be the Achilles heel of the method, and how could anyone really blame them? Unfortunately, such skepticism has cast a cloud of doubt over the trustworthiness of B&J TP data. This may already have led to the dismissal of this data as inconclusive, or worse yet, unusable. Such a dismissal would amount to a tragic loss of precious historical data. Therefore, consider the following.

Juday [3] reported that none of the lake waters contained enough silica, “49 mg per liter or more,” to interfere with phosphorus determinations as the maximum found in the lakes was 16 mg per liter. An undated laboratory notebook covering the determination of phosphorus contained the following statement: “So far we have found no inland lake in Northern Wisconsin which contained more than 35.2 parts per million, most of them being much lower.” From the same notebook, we learn that the analysts were also concerned about colored lake-water samples. It was their practice to match the standard to the sample before treating it with the molybdate reagent. This was “done with Bismark brown, since most of the colored water has a brownish tinge.” All of this tells us that these early workers were alert to the susceptibility of the method to color contaminants and, were “on-guard” so to speak. Therefore, it would seem unlikely that anomalous measurements of this sort would have escaped the watchful eyes of the Birge & Juday team, particularly the lead chemists, Kemmerer and Meloche. Furthermore, although the DFACC method was susceptible to color contaminants in the B & J water samples, that does not mean that there was a high risk involved. In the field of electronic countermeasures, one would say that although the system was susceptible, it might very well have not been vulnerable to the threat.

To reduce concern, one would have to show evidence that this type of interference was not present on the lake(s) to which the B & J data is to be applied. Consideration need also be given to naturally brown-colored, or otherwise “stained,” lake waters to gauge possible interference effects. Similarly, the possibility of high (> 50 mg/l) ferric iron content that could have led to a loss of orthophosphate via precipitation needs to be considered [12]. Sediment core analysis can also be used as a tool to probe further to determine the likelihood of external interference in specific applications of B&J data. Garrison [10] has performed preliminary sediment core analyses on Irving Lake, and has already begun to work with this in mind, personal communication, January 24, 2001. Quite possibly, this information may already exist in other forms. Cross correlation with B&J Secchi disc data as well as anecdotal “evidence” could also be used in this regard as was done on our recent study [1], so too could information from the Lake Landscape Position Project and other components of the UW-M/TLS Long Term Ecological Research Project, c.f. Riera [11].

Notwithstanding the weight of the foregoing “arguments,” we may never know the possible impact of this type of interference with absolute certainty. In view of this uncertainty, these “pathological” types of interference will be considered as the source of indeterminate random errors. These can then be grouped with other such errors, all of which can be covered by a probability distribution that characterizes the degree of uncertainty of the mix.

## **BIRGE & JUDAY DATA RELIABILITY**

Based on all of the above, we can summarize with the following statements about the reliability of the B&J data for applications on lakes where B&J TP measurements indicated concentrations less than about

50 ppb and where the lake water was not stained or very high in iron content. As previously mentioned, the great majority of the lakes tested by Birge and Juday fall well inside the TP concentration bounds.

1. Process related errors due to phosphorus volatilization and over acidification, in combination, appear to require no more than a 1-ppb downward bias adjustment of the B&J data. A convenient representation of this process error is by a normal distribution with – 1-ppb mean and a standard deviation, “sigma,” of 0.333 ppb (3-sigma = 1 ppb).
2. Color comparison errors can also be described by a normal distribution with a zero mean and a sigma of 0.723 ppb; see End Note 4. This renders an uncertainty band of +/- 1.2 ppb (+/- 1.65 sigma) surrounding reported B&J TP measurements for 95% confidence that the “correct” measure falls inside this band.

All other errors can be aggregated as a group and represented by a “catch-all” random variable that characterizes the degree of uncertainty represented by the mix of its constituent variables. This variable can be represented by a normal distribution with a zero mean and sigma of N ppb. Since these error contributions are independent of one another, we can express the band of uncertainty surrounding B&J TP data by a normal distribution having a mean of – 1 ppb (attributable to the process bias discussed above) and a sigma given by the square-root of the sum of the squares of the individual distribution sigmas, i.e.,  $(N^2 + 0.634)^{1/2}$  ppb. If we designate the B&J TP measure as TP<sub>B&J</sub> and the correct measure as TP, then with a probability of 0.95, TP will fall within the uncertainty band defined by,

$$[TP_{B\&J} - 1 + 1.65 (N^2 + 0.634)^{1/2}] \text{ ppb} \Rightarrow TP \geq [TP_{B\&J} - 1 - 1.65 (N^2 + 0.634)^{1/2}] \text{ ppb}$$

In general, the uncertainty bandwidth, BW, is given by,

$$BW = 3.3(N^2 + 0.634)^{1/2} \text{ ppb}; 95 \% \text{ confidence}$$

Given the stated assumptions and limitations, this means that the correct value of TP will fall within a band of this width centered on (TP<sub>B&J</sub> - 1) with a probability of 0.95. Again, N is the standard deviation of the normal variate we selected to characterize vagaries associated with error mechanisms that are statistically indeterminate in form. These mechanisms can produce errors that range from more than likely negligible errors to the highly unlikely large errors associated with undetected pathological-interference phenomena. Conceptually, the possibility of such errors, however remote, can be thought of as being represented by the probability of error associated with TP<sub>B&J</sub> values that fall outside the uncertainty band.

In the end, the choice of the uncertainty bandwidth will reflect the confidence of the users in the arguments presented herein, as well as their personal confidence in the work done so long ago. Nevertheless, from a practical point of view, it would appear reasonable to consider an uncertainty bandwidth of 6 ppb (N = 1.63 ppb, 1.65 N = 2.7 ppb). This bandwidth would provide a +/- 2.7-ppb margin for other random process errors. In-lake sample variations, sample splitting (if done), and analyst (operator) variability are representative contributors to this error pool, Katherine Webster, personal communication, February 8, 2001. Based on estimates of the variability associated with each of these contributors, the +/- 2.7-ppb margin should be able to accommodate the root-mean-square sigma of the aggregate.

A more conservative approach would involve an uncertainty bandwidth greater than 6 ppb. However, when selecting an uncertainty bandwidth in this regard, consideration need be given to the range of applicability of these relationships (TP<sub>B&J</sub> < 50 ppb), and that the great majority of B&J TP data ranged from 15 ppb to 30 ppb. Further grounding, when consideration is given to a BW > 6 ppb, stems from the fact that a BW of 6 ppb already represents 20% of the 30-ppb high-end measurement and 40% of a 15-ppb low-end measurement. The point is that *unjustifiable conservatism can substantially reduce the value of B&J data even in applications where it is eminently well suited.*

In addition to its merit as a very close approximation, selection of a 6-ppb uncertainty bandwidth provides a sense of definiteness in the sometimes-confusing world of statistics. It would also provide the following easy-to-use guideline for the application of B&J TP data: Subtract 1 ppb from the B&J measurement and

then, with 95% confidence, consider the result accurate to within +/- 3 ppb. Additionally, given a 6-ppb BW and the 1-ppb bias adjustment, it can be shown that the maximum % absolute error ( $100 \times 3 \text{ ppb/TPB\&J}$ ) averaged over a TPB&J range of 15 ppb to 30 ppb is about 14% with 95% confidence. Similarly, the average % absolute error ( $100 \times 1.5 \text{ ppb/TPB\&J}$ ) averaged over the same TPB&J range can be shown to be about 7% with 95% confidence. These are to be compared to modern day automated methods that can provide 6% to 10% accuracy with 99% confidence over a much wider range of concentrations, George Bowman, personal communications, February 2001.

## CONCLUSIONS

The evidence found in the cited references indicates that the concerns of the Birge and Juday team about excess acidity and volatilization during the oxidation procedure, though well founded, did not appear to materialize as significant errors in their TP measurements. The investigative work of their analytical chemists was essential to unraveling this piece of the story associated with these limnology pioneers. The experimental data related to this work provided the key evidence in the case.

The offset and the uncertainty band surrounding the Birge and Juday TP data points clearly shows that the Birge & Juday team was not perfect. However, considering the tightness of the band and the relatively minor 1-ppb offset, one must conclude that they did excellent work, within 20% measurement accuracy compared to modern day methods of 6% to 10% accuracy. Given proper attention to applicability considerations, Birge and Juday TP data should be accurate to +/- 3 ppb with 95% confidence after accounting for the 1-ppb bias.

We may never know the possible impact of color contaminating interference with absolute certainty. In view of this uncertainty, these pathological-interference types need to be considered as the source of indeterminate random errors described by a probability distribution. The probability distribution should enable characterization of the degree of uncertainty associated with these statistically random phenomena. Future work, along avenues suggested herein, may reveal answers to the vexing questions surrounding this issue. In no significant way does any of this detract from the comparative studies of Birge and Juday.

Perhaps, in retrospect, it was the lead micro-analytical chemists, Kemmerer and Meloche, and their seeming over-concern with the water-sample oxidation process, and the possible loss of phosphorus that kept them so focused on this subject – to the extent that they directed the work that left, what later proved to be, a critical data trail. Ultimately, it was their attention to detail, and their pursuit of ever-improved analytical methods, that revealed this story – a story about the high overall quality and the present value of the study of the phosphorus content of the lake waters in the Highland Lake District of Wisconsin.

Frank G. Splitt  
February 13, 2001

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## END NOTES

**Note 1: The Standard Phosphate Solution** – The standard for comparison in the DFACC method was prepared by dissolving a precisely weighed amount (4.394 grams) of anhydrous potassium di-hydrogen phosphate,  $\text{KH}_2\text{PO}_4$ , which was air dried over sulfuric acid, in phosphorus-free water, to render a one-liter solution. This one-liter solution was “designed” to contain one gram of phosphorus or 1 milligram of phosphorus per cubic centimeter. Subsequent dilutions produced the known *phosphorus* concentration standards for color comparisons.

**Note 2: Phosphorus vs. Phosphate Concentrations** – The word phosphorus was italicized in End Note 1 to emphasize the point that color comparisons were based on phosphorus concentrations and not on phosphate-phosphorus,  $\text{PO}_4$ , concentrations. Apparently, there has been some misunderstanding associated with terminology in this area. Most likely, a good deal of this misunderstanding is attributable to the use of the term, phosphate phosphorus in the early literature. Misunderstandings of this type may have added to a lack of confidence in the results obtained from comparisons of Birge & Juday data with those obtained by present-day methods. It is also of interest to note that Lathrop [9] has reported that the method along with others, including a variant “*that was eventually recognized as a “standard method,”... all produced results within a range of +/- 0.01 mg P/L (10 ppb) to results obtained from current procedures for DRP (dissolved reactive phosphorus) concentrations of 0.004 – 0.16 mg P/L (4 ppb – 160 ppb).*”

**Note 3: The Molybdate Reagent and Phosphorus Determination** – This reagent is the essential element of the DFACC method. The reagent was prepared by dissolving 10 grams of ammonium molybdate in 100 cubic centimeters of distilled water and then adding this “molybdate solution” to 300 cubic centimeters of cold sulfuric acid (50% by volume). The molybdate reagent so formed was sensitive to light and it was expected that it be stored in the dark when not in use. Since the molybdate solution was not sensitive to light before it was added to the sulfuric acid it was suggested that the two solutions be kept separate and mixed only before using. The phosphorus determination was made by measuring 100 cc of the water to be tested into a graduated colorimeter or into a Nessler tube along with 2 cc of the molybdate reagent and 3 or 4 drops of a stannous chloride solution. The stannous chloride solution was made by dissolving 1 gram of tin in 20 cc of concentrated hydrochloric acid by warming and adding 2 or 3 drops of a 5% solution of copper sulfate. When the tin was dissolved, the solution was diluted to 100 cc with distilled water and a piece of tin added. According to George Bowman (personal communication), “*the Stannous Chloride method was prone to some timing and temperature problems. For example, the color measurement had to be made between 10-12 minutes after adding the reagents. The temperature of the standard and the sample had to be held to within 2 degrees centigrade during the color reaction process. Failure to do so would have resulted in a 1% error per degree difference.*”

**Note 4: Color-Comparator Errors** – Although it is difficult to reconstruct exactly how the lab analysts set-up and used the colorimeter or color-comparator in the DFACC method, we do have some clues. First, we need to keep in mind that most of their measurements were confined to a TP range of from 15 ppb to 30 ppb, and second, that the preparation of these standards was a very labor-intensive job. No doubt, every effort was made to eliminate unnecessary steps in an already complicated procedure. Based on this, and the reported data, it appears likely that their standard operating procedure would have called for the preparation color standards *after* the color was rendered from the sample(s) via the molybdate reagent. By virtue of their accumulated experience, this would have allowed them to “center” the color references on a good estimate of the concentration range. The conjecture is that they prepared 8-10 color standards of 2-ppb bandwidth. These would have been centered on even-integer values of TP concentration (1000 x mg/l in their units of measure). In view of the data, most of the reference color sets would have started at 16 ppb and run up to 30 ppb. This could be an explanation for the pile-on effect at 15, 20, and 30 ppb in the sequential data runs, and not at 25 ppb which sits at a band edge. The 16-ppb “standard” would likely have had an extended reach to pick up concentrations even a bit less than 14 ppb and then “called” 15 ppb.

To determine the likelihood of errors associated with the above procedure, we first assume that each 2 ppb band is divided into 3 parts...a mid-band of 1-ppb width, and side-bands of 0.5 ppb each. The adjacent bands would, of course, supply the additional 0.5-ppb bandwidth so that all of the integer values for concentration levels would be covered by a 1-ppb window. We now inquire as to the probability of making a decision error given that the sample color falls somewhere in the mid-band range, say 20 ppb for the sake of discussion. Ideally, the correct decision would be 20 ppb no matter where the sample color falls in the 19.5 to 20.5 ppb mid-band. However, a correct decision does depend on where the sample color falls in the mid-band. An incorrect decision could be made, especially near band edges – 19 ppb for a low-end mid-band color and 21 ppb for a high-end mid-band color. The probability of making a +/- 1-ppb error with this arrangement of standard concentrations requires knowledge of the error probability distribution function associated with the decision making process.

To obtain a representative distribution function, we first assume that the analysts were not likely to miscall a “perfect match,” i.e., a sample that is centered at 20 ppb, and second, that a sample color that fell at the ends of the mid-band would have a 50% chance of being called in the adjacent side-band. Given these reasonable assumptions, we can choose a triangular probability distribution with a 1-ppb bandwidth as representative. If the entire mid-band range of sample positioning is considered, then there would be a 17% likelihood of a +/- 1-ppb error with this distribution. Put another way, the analysts would make the right call about 83% of the time. The advantage of the triangular distribution is that it allows for a straightforward calculation of the error probabilities. One of these is the probability that a mid-band color sample can cause an error greater than +/- 1 ppb. There is a zero probability of this occurring with this distribution. To account for this shortcoming, and to provide a mathematically convenient way of combining this and other error distributions, we substitute a normal distribution instead. The normal distribution requires a standard deviation, “sigma,” of 0.723 ppb to match the 17% likelihood of a +/- 1ppb error of the triangular distribution. This distribution provides 95% confidence that the true TP falls inside a +/- 1.2-ppb (+/- 1.65 sigma) band centered on the “called” integer value for the TP concentration level.

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*Through the ages, every generation of humankind thinks of its own era as the time when things are really “done right.” A good part of this perception is an insistence on our own significance and the work of our time. Sometimes, lost on the way is the significance and merit of the work of those that have gone before us. We simply do not take the time to understand and appreciate the real value of the work done by our predecessors, and, more importantly, the process by which we truly come to wisdom.*

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## ***BIRGE, JUDAY, AND THE TROUT LAKE STATION***

*Edward A Birge was the first Dean of the College of Letters and Science at the University of Wisconsin, serving from 1891 to 1918, and President of the University from 1918 to 1925. Birge and Chancey Juday are two of the founders of limnology – the study of inland waters – as an ecosystem science. Building on their earlier comparative approach to lake studies in southern Wisconsin, Birge and Juday worked to establish the University of Wisconsin’s Trout Lake Station (TLS) as a warm-season field facility in 1925. Birge remained active through the 1930s when he was in his 80s. Primarily under the direction of Juday, a crew of scientists with diverse research interests staffed the station through 1941. During this time they compiled extensive information on lakes throughout the Northern Highland Region...three of these lakes comprise a shallow lake ecosystem... the Ballard-Irving-White Birch Chain-of-Lakes.*

*TLS has a long and internationally recognized history of research in limnology and ecology. Their work in the 1950s and 1960s is generally recognized as an essential stage in the development of the field of whole- ecosystem experimentation. Work in this field has provided critical insights into anthropogenic stress, and has substantially advanced the understanding of how ecosystems function. Today, TLS is focused on Long Term Ecological Research (LTER) sponsored by the National Science Foundation. White Birch Lake was one of a number of lakes studied on the LTER Lake Landscape Position Project: Contrasting Geographic Characteristics and Water Chemistry as Determinants of Biodiversity and Biotic Community Structure. Applicable material from this study was provided by TLS for incorporation into the Ballard-Irving-White Birch Lakes Association’s Final Report on Wisconsin Lake Management Planning Grant Projects LPL 602 and 613.*

**Frank G. Splitt** is President of the Ballard-Irving-White Birch Lakes Association, and a member of the Wisconsin Lake Leaders Institute’s CREW III. He served as the manager of the Lake Planning Grant Projects covering Ballard, Irving, and White Birch Lakes. He holds a Ph.D. in Electrical and Computer Engineering from Northwestern University. Frank is the McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University, and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs, including, *Creating our Common Future - Reflections on the Four Es: Environment, Education, Energy and Economics*

**BALLARD-IRVING-WHITE BIRCH LAKES ASSOCIATION, INC.**  
P.O. BOX 1137  
STAR LAKE, WISCONSIN 54561-1137

# EDUCATIONAL AND ENVIRONMENTAL INITIATIVES

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**Some Recollections, Observations, and Recommendations**

**Frank G. Splitt**

McCormick Faculty Fellow  
of Telecommunications  
Northwestern University

**March 7, 2001**



International Engineering  
Consortium  
*www.iec.org*

*The International Engineering Consortium sponsored the publication and distribution of this paper as a public service to those with a strong commitment to lifelong learning through participation in the Consortium's educational forums.*

Since its founding in 1944, the Consortium has provided high-quality educational opportunities for industry professionals, academics, and students. The IEC conducts industry-university programs that have substantial impact on curricula. It also conducts research and develops publications, conferences, and technological exhibits addressing major opportunities and challenges of the information age. More than 70 leading high-technology universities are currently affiliated with the Consortium. Industry is represented through substantial corporate support and the involvement of many thousands of executives, managers, and professionals. For more information visit [www.iec.org](http://www.iec.org).

## PREFACE

It was in 1989 that the International Engineering Consortium (IEC) initiated a project to look at the future, not only from the point of view of the rapid advances in technology, but also the emerging idea of communicating anytime in any place with anyone. Additionally, there was intense interest in the social ramifications of these rapid changes and ubiquitous communication capabilities. As a consequence of this initiative, the Consortium held the 2021 AD ComForum in March 1991. It then proceeded to bring people and organizations together to work on a collaborative basis to realize the full potential of the Information Age. The nexus of this activity was the IEC Committee on the Future.

This paper provides a look back at this earlier time and tells a previously untold story. It also provides a sense of how the Committee on the Future worked in three interrelated areas during the early 1990s. Briefly, the Committee focused on a set of educational, environmental, and information-infrastructure initiatives and launched a dedicated effort to catalyze positive change in the information industry and its academic communities. The aim was to have the information industry play a leading role in reshaping how the world works, plays, and learns—through information technology—and all in harmony with the environment. By marshaling resources represented by its affiliated universities, its industry supporters, and other organizations, the IEC was able to facilitate transformational change in these areas. Although much was accomplished, this is still considered a work in progress.

As we continue to move into the 21st century, helping academia understand the escalating changes in the information industry, and the relationship of the changes to the concept of sustainable business practice, will present a major challenge. Significant advances in the industry's supporting technologies and services, together with their business and environmental implications, make academia's learning needs substantial. The IEC's relationships with its industry supporters, affiliated universities, the National Electrical Engineering Department Heads Association (NEEDHA), and its University Program, provide valuable resources for meeting this challenge.

The information industry must also compete to attract students to related university programs and, ultimately, to corporations and other enterprises that require graduates with the "right stuff." The IEC University Program directly influences students in a positive way through their participation in IEC Forums, publications, and Web-based education. Students also learn of real-world challenges and exciting prospects through their professors, who receive educational grants and resources from the program. The professors are exposed to not only the technical issues facing the information industry, but to broader economic and strategic issues as well. It will be these students, enabled by new understanding and new perspectives, that will take leadership roles in matching information technology to society's needs—and so provide yet untold benefits to present and future generations.

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# EDUCATIONAL AND ENVIRONMENTAL INITIATIVES: Some Recollections, Observations, and Recommendations

## INTRODUCTION

It was during the late 1980s and early 1990s that the International Engineering Consortium (IEC) began to focus on two interrelated objectives. The first objective involved promoting the building of the National Information Infrastructure (NII), while the second involved promoting a paradigm shift in education in general and engineering education in particular. The IEC objectives paralleled a growing personal interest in engineering education and the environment.

Some time in the mid-1980s, Ed Ernst kindled my interest in engineering education and played an important role thereafter as a mentor and a facilitator within the academic and engineering accreditation communities. My concern about environmental issues emanated from work that my wife and I did with the Foundation for Global Community (formerly the Beyond War Foundation). It was through this work that I first became aware of the concept of sustainable development—meeting the needs of the present without compromising the ability of future generations to meet their needs.

It was apparent that the NII initiative would require strong drivers. Early on, we saw that the potential for improvements in education and the environment would clearly serve as two such drivers. Put another way, NII, environmental, and educational initiatives were considered to be synergistic and mutually supporting.

The story follows of how all of these things came together under the auspices of the IEC and several of its directors. This chronicle provides a brief history of the IEC's involvement in educational and environmental initiatives. It also sets the stage for a discussion of a recent IEC initiative and a recommendation related to engineering education—a paradigm in progress.

## THE BEGINNINGS

With encouragement and strong support from IEC directors Ed Ernst and Bob Janowiak, I began to speak and write on the subject of engineering education. The first venture was in 1986 at the National Communications Forum [1]. Further development, and variations on a theme based on the future industrial needs of the engineer, led to several invited presentations including Tau Beta Pi and ASEE conferences, university lectures, IEC-sponsored ComForums and university-industry colloquia, and an annual meeting of the National Electrical Engineering Department Heads Association (NEEDHA) [2,3]. Environmental issues began to be emphasized as we moved into the 1990s. The Consortium's 2021 AD ComForum brought these issues to the attention of information industry leadership early in 1991 [4].

The Consortium published the Nortel-sponsored monograph *Creating Our Common Future* shortly after the 2021 AD ComForum [5]. The monograph was re-published by *The Bent* along with a related letter on sustainable development [5,6]. The monograph was distributed to all IEC Executive Council members and to the attendees at several Consortium events as an educational resource. The monograph was also used to

help provide the context for a high-level path forward for the business and academic sectors of the information and telecommunications industries. For example, it provided the themes for the keynote addresses, the Ameritech SuperSchool initiative, and the Nortel environmental initiative at *SUPERCOMM/ICC'92* [7,8]. Well over 8,000 monographs were distributed at the Nortel environmental exhibit and thousands more to universities in the United States and the United Kingdom. The IEC's vision was described at the Consortium-sponsored *InfoVision ComForum* later that year [9,10]. Educational and environmental themes were also threaded through the *InfoVision ComForum*.

## THE NII INITIATIVE: A White Trojan Horse

During the post *2021 AD ComForum* time, the IEC was working to pull various stakeholders together to promote the building of a National Telecommunications and Information Infrastructure. It was made clear in our communications that the intent of the IEC was to bring people and organizations together not only to work on a collaborative basis to develop a shared NII vision, but to evolve a doable game plan as well. It was also clear that opportunities to revitalize education and facilitate environmental clean-up and sustainable development would be important drivers. To document this intent and to provide a working paper for the various information industry constituencies, the IEC commissioned a "white paper" [11]. This paper presented an updated and more refined story and was distributed within academic, industrial, research, and government communities for information and comments before publication. The white paper included the environment and sustainable development as important themes. One of the highlighted opportunities was "*in the development of Information Network and Management Technologies to facilitate the sharing of information to aid in the making of sustainable choices to protect the earth's environment and improve quality of life for generations yet to come.*"

The NEEDHA organization, [www.needha.org](http://www.needha.org), played an important role in promulgating our initiative within the academic community. After publication of the white paper, IEC Director Tim Trick, who was then the NEEDHA president, had copies distributed to all NEEDHA members. Nortel provided copies to all members of Congress and appropriate people in the executive branch. Mike Nelson proved to be an important contact and strong supporter of our NII initiative while serving as Al Gore's staff expert on telecommunications technology and policy. The IEC worked closely with the American Electronics Association (AEA), the United States Telephone Association (USTA), and the Telecommunications Industry Association (TIA) to tie in the industry sector. Gerry Butters and Bill Kashul, Nortel, and Bernie Smedley, Motorola, were important players in this area. The white paper was reprinted by The Aspen Institute of Information Studies and as part of a compendium of NII-related papers by Harvard's John F. Kennedy School of Government. A Northwestern University article [12] and a *TELETIMES* article [13] were representative derivatives targeted at specific audiences.

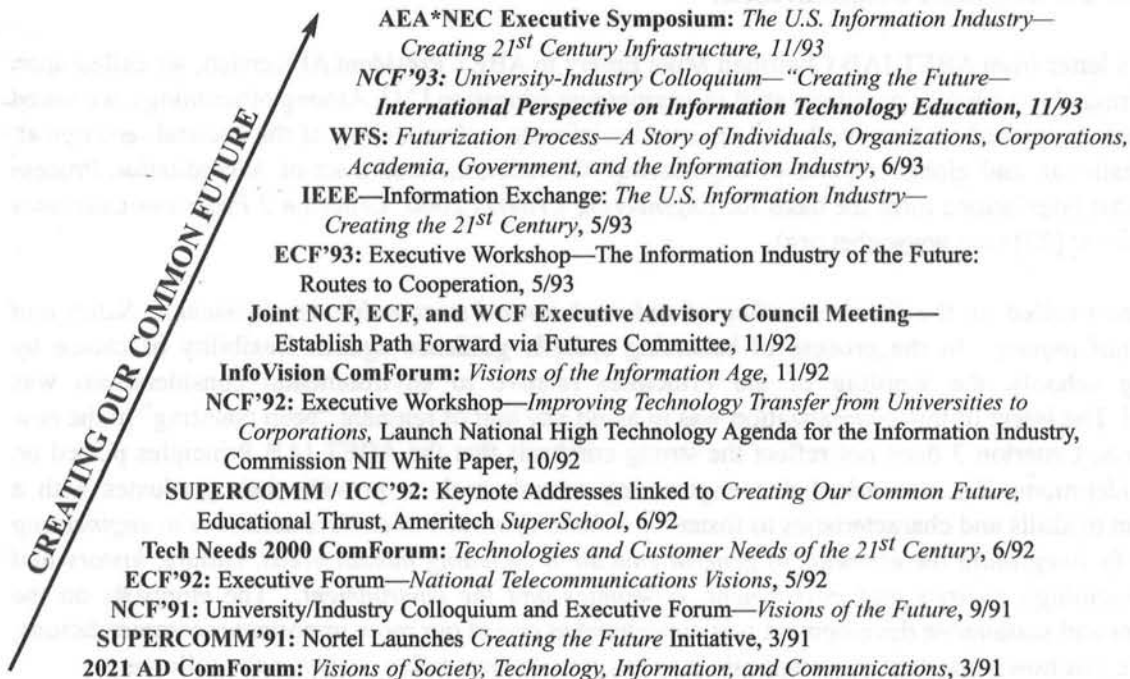
Presentations on *Creating 21<sup>st</sup> Century Infrastructure* were made at IEC, USTA, Institute of Electrical and Electronic Engineers (IEEE), Alliance for Public Technology, and university-sponsored events, as well as to George M. C. Fisher, (then) Chairman of the (U.S.) Competitiveness Council [14]. The paper provided the background theme for the IEC/AEA jointly sponsored Executive Symposium held in November 1993 [15]. A presentation on *Futurization Process* was made at the World Future Society Conference earlier that year and repeated at the NCF'93 University-Industry Colloquium in September [16].



In retrospect, our NII promulgation effort during the three-year, post *2021 AD ComForum* period, was something akin to a full-court press. A brief history of this activity is shown below. All of the later presentations, but especially those in 1993 at the World Future Society Conference and the Executive Symposium, served as capstone events and venues for telling the story of the IEC's effort to catalyze transformational change in the areas of education, environment, and communications infrastructure.

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### Vectoring from the *2021 AD ComForum* to *InfoVision* and Beyond



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### ENGINEERING EDUCATION: The ABET Connection

During his term as the president of the Accreditation Board for Engineering and Technology (ABET), Ed Ernst established the ABET Industrial Advisory Board (IAB). It was Ed's view that ABET was in a highly leveraged position to effect change in engineering education because a major restructuring of the accreditation criteria and process would have significant long-range effects. The ABET IAB was organized in 1991 with two IEC directors included, Floyd English and the author. The first meeting was in May 1991. The ABET connection proved to be most rewarding as it provided a platform to implement the ideas described in *Creating Our Common Future* and the concept of systems thinking advocated by MIT's Peter Senge in *The Fifth Discipline*. Most importantly, Jerry Cohen, Northwestern University, and Bill Schowalter, University of Illinois at Urbana-Champaign, provided valuable insights on accreditation practices and major research universities that formed the basis for the ABET IAB recommended-outcomes approach to the accreditation process [17].

It was in the late 1980s that sustainable development came to be recognized as a major issue of our times. Speth and Smart said it well in 1990 [18], *"In survey after survey, people call for a better environment and improved economic conditions. These are not mutually exclusive goals. Rather, they are necessary and mutually supporting conditions... businessmen, environmentalists, and politicians must forego finger-pointing and join together and create a global program for sustainable development."* Clearly, this issue was going to have a significant impact on engineering education. Jim Poirot, the first chairman of the ABET IAB, introduced me to the World Engineering Partnership for Sustainable Development [19,20]. Together, we worked to promote the ideas that sustainable development was going to be the dominant economic, environmental, and social issue of the 21<sup>st</sup> century and that a fundamental change in engineering education was required to help the next generation of engineers learn to design for sustainable development and long-range competitiveness.

By way of a letter from ABET IAB Chairman Mike Emery to ABET President Al Kersich, we called upon ABET to bring about a major paradigm shift in engineering education [21]. Among other things, we asked that emphasis be placed on teamwork and an interdisciplinary understanding of the societal, ecological, financial, national, and global impacts of engineering. We recommended a set of Accreditation Process Principles that later helped form the basis for *Engineering Criteria 2000: Criterion 3 Programs Outcomes and Assessment* [22] (see [www.abet.org](http://www.abet.org)).

The Principles called for the *"understanding of and work toward sustainable development,... Safety and environmental impact."* In the process of balancing specific guidance against flexibility of choice by engineering schools, the wording of the Principles relative to environmental considerations was generalized. The intent of this generalization was to avoid any hint of remnant "bean counting" in the new criteria. Thus, Criterion 3 does not reflect the strong emphasis that the ABET IAB Principles placed on these considerations. We also asked that engineering schools seek to provide their graduates with a combination of skills and characteristics to foster *"A holistic approach to achieve solutions to engineering challenges by integrating the elements of general education including human needs, culture, history and tradition, sociology, politics and government, economics and the environment."* The emphasis on the environment and sustainable development was considered as one of our more important recommendations. To illustrate just how important this emphasis is to business leaders today, consider the following.

During a May 2000 Executive Summit at the World Telecommunications Congress (WTC), organized by IEC Director Chris Earnshaw, British Telecommunications plc (BT) and 13 of the world's leading telecommunications companies pledged to work together to promote a range of measures designed to realize the positive impact of the communications industry on the global environment and on sustainable development. In particular, they pledged to promote education, environment, and e-business. The leaders also agreed to promote and support these initiatives and sustainable business practices at future WTCs and, specifically, to review progress at WTC 2002 in Paris. For more information see [www.iee.org.uk/News/Press/z09may2000.htm](http://www.iee.org.uk/News/Press/z09may2000.htm). Earnshaw and BT see *"a virtuous circle between the success of our business and sustainable business practice..."* [23]. To obtain the views of one of the world leaders in promulgating and applying sustainable business practice, see [www.bt.com/world/environment/](http://www.bt.com/world/environment/). Looking back, I understand why Criterion 3 was generalized to the extent that it was. The burden of developing case studies and other mechanisms that enable student learning in the cited areas is exactly where it should be—on the engineering schools. Unfortunately, a significant opportunity for an appropriate level of guidance may have been lost in the process of getting to this end objective. However, this guidance should, and can, manifest itself in other ways—sometimes in quite unexpected ways as we will see in the following.

## A RECENT IEC ENVIRONMENTAL INITIATIVE

This past year, the IEC sponsored the publication of *WISCONSIN LAKES: A TRILOGY* as a public service in support of the environmental initiative represented by two Wisconsin Department of Natural Resources Lake Management Planning Grant projects [24]. A sequel to this trilogy involved the work of Edward Birge and Chancey Juday [25]. Birge and Juday were two of the founders of limnology—the study of inland waters—as an ecosystem science. Birge was the Dean of the College of Letters and Science at the University of Wisconsin from 1891 to 1918. Thereafter, he served as the president of the university until 1925 when he returned to his lake research projects.

Taken together, the two publications cover a combination of engineering, chemistry, biology, ecology, mathematics, interactive (eco) systems, sustainable development, and socio-political considerations that surround a suite of inland lakes. As such, the addressed problems and approaches to their solutions might be considered as a representative case study along the lines intended by ABET Engineering Criteria and their recommended holistic approach to engineering solutions. Heretofore, the multi-disciplinary study of inland lakes has been limited to limnology and environmental engineering courses.

Ideally, multi-disciplinary studies of this nature and scope should take place early on in the education process where all engineering students can be introduced to real-world engineering problems at the beginning of their academic work. For example, the McCormick School of Engineering and Applied Science at Northwestern University has instituted an *Engineering First* program, [www.tech.northwestern.edu/efirst/](http://www.tech.northwestern.edu/efirst/). In this program, the students are exposed to elements of mathematics, chemistry, physics, and other “engineering tools” on an as-required basis. The faculty seems to benefit as much as the students with this approach—a not too surprising observation considering most faculty are from the “old school” where, metaphorically, trees were studied before the whole forest ecosystem. Some might even question whether the ecosystem was even studied at all as specialization came into vogue.

A more compelling argument for such consideration can be made with reference to the following Birge quote from a 1936 address he made to the Madison Literary Club: “*The lake is the one true microcosm, for nowhere else is the life of the great world, in all of its intricacies, so clearly disclosed to us as in the tiny model offered by the inland lake.*” Wrap these lakes with accelerated shoreland development and users with ever more powerful recreational vehicles, and we can then envision our inland lakes as model microcosms for our times.

## A CONCLUSION AND A RECOMMENDATION

Our inland lakes offer great potential as teaching tools and windows to the future of humankind. The fate of our inland lakes can serve as a contemporary problem topic for rewarding multi-disciplinary study in keeping with the intent of ABET engineering criteria. It is my recommendation that engineering schools give serious consideration to the intrinsic educational benefits associated with the multi-disciplinary study of our inland lakes and to the determination of what is required to enable their engineering students to learn the valuable lessons inland lakes have to teach. Guidance in this endeavor can be obtained from science departments, the Association of Environmental Engineering and Science Professors (AEESP), [www.aeesp.org](http://www.aeesp.org), and the American Academy of Environmental Engineers (AAEE), [www.aeee.net](http://www.aeee.net).

## ACKNOWLEDGEMENTS

Many organizations and people contributed to the work described in this paper at different times and in a variety of ways. Ultimately, people, and not organizations, really helped to make things happen. My appreciation and thanks go to Wayne Bennett, John Birge, Joe Bordogna, Gerry Butters, Peter Cochrane, Jerry Cohen, Bruce DeMaeyer, Denis Doyle, Mike Emery, Sandy Engel, Chris Earnshaw, Ed Ernst, Paul Garrison, Kimberly Gray, Abe Haddad, Hazel Henderson, Bob Janowiak, Bob Kahn, Bill Kashul, Ed and Barbara Kyser, Ken Laker, Doug Lattner, Steve McComas, Art Moeller, Mike Nelson, John Pappas, Jim Poirot, John Prados, Diane Ravitch, Bill Schowalter, Bernie Smedley, Ray Steele, Tim Trick, Jag Sheth, Katherine Webster, Bob Young, and my wife Judy who was there for it all. I learned so much from each of you. Finally, I must say that I am truly grateful for the privilege of having worked with so many fine people on what proved to be such exciting initiatives with beneficial societal impacts.

Frank G. Splitt  
March 5, 2001

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**Frank G. Splitt** holds a Ph.D. in Electrical and Computer Engineering from Northwestern University. He is the McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University, and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. He is a Director of the International Engineering Consortium. He chaired the Consortium's Committee on the Future and currently chairs its Fellow Awards Committee. His professional career covered research and development, marketing, administration, teaching, and public service. He has authored numerous technical papers and articles on public affairs. He is a fellow of the International Engineering Consortium and the Institute of Electrical and Electronic Engineers as well an Eminent Engineer of Tau Beta Pi. He serves as the president of the Ballard-Irving-White Birch Lakes Association and is a member of the Wisconsin Lake Leaders Institute's CREW III.



## International Engineering Consortium

549 West Randolph Street, Suite 600  
Chicago, Illinois 60661-2208

**AN ODYSSEY OF EDUCATIONAL AND  
ENVIRONMENTAL INITIATIVES:**  
*From National Information Infrastructure to the  
Fate of our Inland Lakes and Ecoefficient Design*

*Frank G. Splitt  
McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science*



**NORTHWESTERN  
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**July 30, 2001**





Thank you, Dean McPherson for that kind introduction. Thanks also to Mike Gregg, the Green Engineering Conference organizer and director, for the invitation to speak and for the many courtesies extended by Virginia Tech. Good Afternoon everyone! I am honored to be here today to share this very special occasion with all of you – hopefully, the first of many such Green Engineering Conferences.

It has been almost fifty years since I graduated with a B.S.E.E. from the Fournier Institute of Technology. Imagine some fifty years of involvement with the engineering profession! To place this time span in a historical context, 1948 – the year that I graduated from Saint Philip High School and began my engineering studies at Chicago's Wright Junior College – was the same year that Bell Telephone Laboratories announced the development of the transistor and Claude Shannon, again of Bell Labs, published his classic paper, "The Mathematical Theory of Communications." Taken together, these two events had a profound influence on my professional working life, as well as on the lives of countless others.

It was also in 1948 that the life of Aldo Leopold, America's foremost conservationist and environmental scholar, came to a tragic end at the early age of 61 years. With credit to the Wisconsin Lake Leaders Institute's Lowell Klessig and Bob Korth,... and with many thanks to Curt Meine – Leopold's definitive biographer and Conservation Program Director at the Wisconsin Academy of Science, Arts & Letters – Leopold's life story and work have come to provide me with renewed inspiration and motivation to keep asking and seeking to answer Leopold's root question, "*How do we live on the land without spoiling it?*"

This afternoon I will be covering several initiatives, in what can best be described as an odyssey. For the most part, my remarks will be based on the June 18<sup>th</sup> version of the *Educational and Environmental Initiatives* paper that has been included for your reference in the Conference Program Book and CD.

During the late 1980s and early 1990s, the IEC – International Engineering Consortium – began to focus on two interrelated objectives. The first objective involved promoting the building of what was known as the NII – National Information Infrastructure – while the second involved promoting a paradigm shift in education in general, and Engineering Education in particular.

My concern about environmental issues began sometime in 1986 and emanated from work that my wife and I did with the Foundation for Global Community – formerly known as the Beyond War Foundation. It was through the Foundation that I first became aware of the concept of sustainable development and was introduced to the work of Donella Meadows, Jonas Salk, and a new way of thinking – that we are one, and, that individually and collectively, we share the responsibility for the future course of events on the planet. I also came to better understand the challenge before us – to affect an appropriate level of positive change to protect the environment – is of daunting proportions.

My interest in Engineering Education was kindled sometime in the mid-1980s by Professor Ed Ernst, then an Associate Dean at the University of Illinois and a highly regarded academic leader at ABET – the Accreditation Board for Engineering and Technology. Professor Ernst, a fellow IEC Director, played an important role as a mentor and a facilitator within the academic and engineering accreditation communities. With additional encouragement and strong support from IEC Executive Director Bob Janowiak and Deans Bill Schowalter at Illinois and Jerry Cohen at Northwestern, I began to speak and write on the subject of Engineering Education from an industry perspective.

The first venture was in 1986 at the National Communications Forum where my focus was on overspecialization as a problem for engineering education. Environmental issues began to be emphasized in the late 1980s with a call to our engineering students to take a leadership role in policy issues. As a matter of fact, Virginia Tech was the scene of one of the first such calls in early 1990 – by way of the IEC sponsored Distinguished Lecture referred to by Dean McPherson in his introduction. Over time, I became a strong advocate for restructuring engineering education and worked to catalyze the changes that began to be called for since the early 1980s – not only in the way we educate our engineers, but also, as a member of the ABET Industry Advisory Board, in the criteria we use to accredit our engineering schools.

The IEC's seminal futures ComForum, *2021 AD: Visions of the Future*, brought environmental issues to the attention of Information Industry leadership early in 1991. The Consortium published the *Creating Our*

*Common Future* monograph, shortly after this conference. The monograph addressed environmental, education, energy and economic issues of the day. Among other things, it was used to help provide the context for a high-level path forward for the business and academic sectors of the Information Industry. The monograph was also published by *THE BENT of Tau Beta Pi*. In addition to its worldwide dissemination, the monograph also served as one of the background documents for the 1994 National Science Foundation Workshop on Engineering Education.

After the *2021 AD ComForum*, the IEC began working to help pull various stakeholders together to promote the building of a National Information Infrastructure. The intent of the IEC was clear – to bring people and organizations together, not only to work on a collaborative basis to develop a shared NII vision, but to evolve a doable game-plan as well. It was also clear that opportunities to revitalize education and facilitate environmental clean-up and sustainable development would be important drivers. We saw environmental and educational initiatives to be synergistic and mutually supporting.

A “white paper” was commissioned by the IEC to document our intent and to provide a working paper for the various Information Industry constituencies. The paper, titled *The U.S. Information Industry – Creating the 21<sup>st</sup> Century*, carried the environment and sustainable development as important themes. The NII was considered to be Trojan Horse in the best sense of the metaphor – a white horse at that. The first presentation of the concepts behind the paper was in 1992, at ABET’s Annual Meeting in San Antonio, where the theme was changing the culture of Engineering Education. The paper was also reprinted by The Aspen Institute of Information Studies, and as part of a compendium of NII related papers by Harvard’s John F. Kennedy School of Government

Several organizations played an important role in promulgating our initiative within the academic, business, and government communities. For example, Nortel provided copies to all members of Congress and appropriate people in the Executive Branch. Mike Nelson proved to be an important contact and strong supporter of our NII initiative while serving as Al Gore’s staff expert on telecommunications technology and policy. The IEC worked closely with the leading Information Industry trade associations to tie in the industry sector. Presentations on *Creating 21<sup>st</sup> Century Infrastructure* were made at events sponsored by the IEC, the IEEE, and the Alliance for Public Technology, as well as to George M. C. Fisher – then Chairman of the (U.S.) Competitiveness Council.

A presentation on *Futurization Process* was made at the World Future Society Conference the spring of 1993 and repeated that fall at an IEC University-Industry Colloquium and an ASEE Conference at Northeastern University. This presentation told the story of how individuals, organizations, corporations, academia, and government were working together to fashion a shared vision with an ennobling purpose – to have the information industry play a leading role in reshaping how the world works, plays, and learns through information technology – and, all in harmony with the environment. In retrospect, our NII promulgation effort during the three-year, post *2021 AD ComForum* period, was something akin to a full court press. The major presentations in 1993 served as capstone events and venues for telling the story of the IEC’s effort to catalyze transformational change in the areas of communications infrastructure, education, and environment.

Our journey now takes us to Engineering Education and the ABET Connection. During his term as the ABET president, Ed Ernst established the ABET Industry Advisory Board. It was Ed’s view that ABET was in a highly leveraged position to affect change in engineering education. Why?...because he believed that a major restructuring of the accreditation criteria and process would have significant long-range effects.

We had our first meeting in May of 1991. This was the time when President James Dunderstadt of the University of Michigan, President Charles Vest of the Massachusetts Institute of Technology, and others, were calling for a fundamental change in the post-World War II model for Engineering Education that was proving to be inadequate – not capable of supporting the new emphasis on quality, customer focus, and continuous improvement. They also saw ABET’s rigid, “bean-counting” implementation of accreditation criteria as a barrier to needed innovations in Engineering Education. This was also the time when the

National Science Foundation was demonstrating increased interest in curricular innovation and would soon initiate a series of workshops on restructuring Engineering Education.

The ABET connection proved to be most rewarding. It provided a platform to implement the ideas described in *Creating Our Common Future*, as well as the concept of systems thinking advocated by MIT's Peter Senge in *The Fifth Discipline*. Most importantly, it provided a venue for a wide-scale introduction of environmental protection and sustainable development imperatives into Engineering Education. The restructuring process was helped considerably by ABET President John Prados, University of Tennessee, who was providing leadership to affect requisite change, and by Deans Jerry Cohen and Bill Schowalter who were providing valuable insights on accreditation practices as viewed by major research universities. These insights helped form the basis for the Advisory Board's recommended outcomes approach to the accreditation process.

It was in the late 1980s that sustainable development came to be recognized as a major issue of our times. Clearly, this issue was going to have a significant impact on Engineering Education. Jim Poirot, the first chairman of the Advisory Board, introduced me to the World Engineering Partnership for Sustainable Development. Together, we worked to promote the idea that sustainable development was going to be the dominant economic, environmental, and social issue of the 21<sup>st</sup> century; and that in addition, a fundamental change in Engineering Education was required to help the next generation of engineers learn to design for sustainable development and long-range competitiveness.

The Advisory Board called upon ABET to bring about a major paradigm shift in Engineering Education. Among other things, we asked that emphasis be placed on teamwork and an interdisciplinary understanding of the societal, ecological, financial, national, and global impacts of engineering. We recommended a set of Accreditation Process Principles that later helped form the basis for Engineering Criteria 2000: Criterion 3, Program Outcomes and Assessment.

The Principles called for the "*understanding of and work toward sustainable development, ... Safety and environmental impact.*" In the process of balancing specific guidance against flexibility of choice by engineering schools, the wording of the Principles relative to environmental considerations was subsequently generalized. The intent of this generalization was to avoid any hint of remnant "bean counting" in the new criteria. Thus, Criterion 3 does not reflect the strong emphasis that the Industrial Advisory Board's Principles placed on these considerations. We also asked that engineering schools seek to provide their graduates with a combination of skills, attributes, and characteristics among which was: "*A holistic approach to achieve solutions to engineering challenges by integrating the elements of general education including human needs, culture, history and tradition, sociology, politics and government, economics and the environment.*"

The emphasis on the environment and sustainable development was considered to be one of our more important recommendations. This emphasis was also promulgated at the ABET and ASEE conferences that I mentioned previously. To illustrate just how important emphasis on sustainable development is to some business leaders today, let's consider the following:

1. During a May 2000, Executive Summit at the World Telecommunications Congress organized by IEC-Director Chris Earnshaw, BT, thirteen of the world's leading telecommunications companies pledged to work together to promote a range of measures designed to realize the positive impact of the communications industry on the global environment and on sustainable development. In particular, they pledged to promote Education, Environment, and E-business. The leaders also agreed to promote and support these initiatives and sustainable business practices at future Congresses, and specifically, to review progress in Paris next year. Earnshaw and BT see "*a virtuous circle between the success of our business and sustainable business practice....*"
2. Over the past twelve years, the National Academy of Engineering, through its program on Technology and Sustainable Development, has conducted a series of industrial ecology workshops and related studies with numerous publications – all with the aim of illuminating the relationship between technology, economic growth, and the environment. Let me give you two examples. First, in 1994,

the Academy published the *Greening of Industrial Ecosystems* – a must read for developers of Green Engineering Programs, and second, the Spring 1999 issue of *The Bridge* focused on sustainability engineering – with articles ranging from environmental metrics to the harnessing of ingenuity for sustainable outcomes

3. Most recently, Bob Barnett, Executive Vice President, Motorola, described to me Motorola's design of a low-toxicity radio to promote environmental responsibility. The green radio features a factor-of-500 reduction in toxicity index by using lead-free solder, eliminating bromine from circuit boards, and using recycled plastics – while meeting all radio performance requirements

In the aggregate, all of these examples present many openings for dialogue and debate on both the extent and the manner in which the concepts of sustainable development and sustainable business practice can be integrated into the curriculum of our engineering schools. Such integration can best be described as disruptive educational “product” innovation. Engineering education innovators are thus faced with the *innovator's dilemma* – aptly described by Clayton Christensen in his award-winning book on the subject. The dilemma is that educational products in this vital area do not represent the coin of today's academic realm – simply put, they do not fit the present-day rewards and recognition systems operative at most of our research-oriented engineering schools.

Looking back, I understand why ABET's Criterion on Program Outcomes and Assessment was generalized to the extent that it was. The burden of developing case studies and other mechanisms that enable student learning in the cited areas is exactly where it should be – on the engineering schools. Unfortunately, in my opinion, a significant opportunity for an appropriate level of emphasis and guidance may have been lost in the process of getting to this end objective. However, this emphasis and guidance should, and can, manifest itself in other ways... sometimes, in quite unexpected ways, as we will see as our odyssey takes us to Wisconsin's inland lakes.

This past year, the IEC sponsored the publication of a trilogy on three Wisconsin lakes as a public service in support of a state environmental initiative. A sequel to this trilogy involved the work of Edward Birge and Chancey Juday. Birge and Juday were two of the founders of limnology – the study of inland waters – as an ecosystem science. Birge was the Dean of the College of Letters and Science at the University of Wisconsin from 1891 to 1918, and served as the president of the university until 1925 when he returned to his lake research projects. The two publications cover a combination of engineering, chemistry, biology, ecology, mathematics, interactive ecosystems, sustainable development, and socio-political considerations that surround a suite of inland lakes. The addressed problems and approaches to their solutions might be considered as a representative case study along the lines intended by ABET Engineering Criteria and their recommended holistic approach to engineering solutions.

Up to now, the multi-disciplinary study of inland lakes has been limited to limnology and environmental engineering courses. Our inland lakes can be seen to offer great potential as teaching tools. The fate of our inland lakes and other water resources can serve as a contemporary problem topic for rewarding multi-disciplinary study in keeping with the intent of ABET Engineering Criteria. Ideally, multi-disciplinary studies of this nature and scope should take place early on in the education process where all engineering students can be introduced to real-world engineering problems at the beginning of their academic work.

For example, our McCormick School of Engineering and Applied Science at Northwestern University instituted an *Engineering First* program. In this program, the students learn communications skills and functional teamwork on an integrated basis. The elements of computer programming, mathematics, chemistry, physics, and other “engineering tools” are learned as required. At Northwestern, the faculty seems to benefit as much as the students with this approach – a not too surprising observation since most faculty are from the “old school” where, metaphorically, trees were studied before the whole forest ecosystem. Some might even question whether the ecosystem was even studied at all, as specialization came to be the name of the game.

A more compelling argument for such consideration can be made with reference to a Birge quote from an address he made 1936: “*The lake is the one true microcosm, for nowhere else is the life of the great world,*

*in all of its intricacies, so clearly disclosed to us as in the tiny model offered by the inland lake.*" Wrap these lakes with accelerated shoreland development, as well as users with ever more powerful recreational vehicles, and we can then envision our inland lakes as model microcosms for our times. They can also be visualized as modern-day "coal-mine canaries" – capable of signaling warnings as to present and future environmental health problems and the end of life as we know it.

The burning question is: will we really pay attention to these and other environmental messengers that are telling us that half the world's wetlands have been lost in a single century, half the world's forests chopped down, seventy percent of the world's fisheries depleted, the world's reefs are at risk, and that energy generation and consumption may very well be the Achilles heel of our fossil-fuel based economies? Indeed, the unrelenting push for development, drilling, logging, and mining is a message unto itself.

In a historical view of industrial ecology, Suren Erkman states: *"there is a need for integrating industrial ecology, Design for Environment, Cleaner Production, Pollution Prevention, into new management practices. Education of engineers, economists, managers and natural scientists becomes crucial, in order to deal with a serious cultural problem: ecologists (not only political ecologists, but scientific ecologists as well) usually don't know about the industrial system. On the other hand, engineers, and people from industry in general, have a very naïve view of nature and are very defiant against ecologists and ignorant about scientific ecology."*

In *Greening of Industrial Ecosystems*, MIT's John Ehrenfeld discusses the role of universities in industrial ecology and states: *"the university can and must play a central role in developing the concept of industrial ecology and institutionalizing its practice."* According to Ehrenfeld, to do this, the universities must overcome strong disciplinary barriers, jealousies, and their own political dynamics, as well as enter into a broad discourse among all the players. He also sees the need to reconstruct the disciplines in a way that mimics the seamless web of the very world we are attempting to understand. Will it happen?... unfortunately, not immediately – and, likely not in our lifetime, if at all.

These views may appear to be a bit harsh, but they are not all that new. In a 1938 lecture on *Engineering and Conservation* given to the College of Engineering at the University of Wisconsin, Aldo Leopold pointed out the adverse ecological consequences of civil engineering. He discussed engineering not only as a profession with goals that often overlap and conflict with those of conservation, but also as representative of the public state of mind and the dominant idea of the extant Industrial Age. Of particular interest here is the following quote from Leopold's lecture: *"Every professional man must, within limits, execute the jobs people are willing to pay for. But every profession in the long run writes its own ticket. It does so through the emergence of leaders who can afford to be skeptical out loud and in public – professors, for example. What I here decry is not so much the prevalence of public error in the use of engineering tools as the scarcity of engineering criticism of such misuse. Perhaps that criticism exists in camera, but it does not reach the interested layman."*

Similar notes were struck by Paul Sears in his 1947 *Science* article *The Importance of Ecology in Training Engineers*. Leopold felt that an understanding of ecology *"is by no means co-extensive with 'education'; in fact, much higher education seems deliberately to avoid ecological concepts."* Some forty years later, Jill Engel, then a recent graduate of the University of Texas at Austin, wrote in *THE BENT* that: *"Universities everywhere have failed their engineering students by not addressing the environment, making it one of the most critical and neglected of design criteria."*

It is expected that this situation will change over time as the financial and investment communities become more aware of the intrinsic value of ecoefficiency – maximum long-term economic gain and minimum overall environmental impact – as defined by the World Business Council on Sustainable Development. Businesses will then exert an ever-increasing demand for engineering graduates conversant with environmental issues & economics, and, most importantly, engineers skilled in systems thinking and in related ecoefficient design and manufacturing practices. In turn, this change will give birth to a new paradigm in engineering education – *environmentally-smart, life-cycle design for competitive advantage.*

In summary, my personal experience tells me that asking, and seeking to answer, Aldo Leopold's question, "How do we live on the land without spoiling it?" does not make for an easy life – in Leopold's own words: "One of the penalties of an ecological education is that one lives in a world of wounds. Much of the damage inflicted on land is quite invisible to laymen. An ecologist must either harden his shell and make believe that the consequences of science are none of his business, or he must be the doctor who sees the marks of death in a community that believes itself well and does not want to be told otherwise."

We have seen that considerable attention has been paid to the concepts of sustainable development and business practice over the past 20 years. Nevertheless, what appears to be common sense has yet to become common practice. Not until we see most of our engineering schools placing a high value on these concepts, as evidenced by incorporation in the school's mainstream value network, will we know that we have progressed beyond the early adopter phase of concept diffusion. We will then witness most of our engineering schools operating with the ecoefficiency paradigm – environmentally-smart, life-cycle design for competitive advantage.

Let me now begin the ending of this odyssey with a quote from the Club of Rome's Aurelio Peccei and Alexander King. It is a quote that I used when writing the opening to *Creating Our Common Future* some ten years ago – "If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information that he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged, staggering from one crisis to another."

In this light, reflection on the events of the past ten years, still leads me to believe that the clear and present danger faced by the world in general – and, the United States in particular – has to do with two polarities: the ecological polarity between human activities and the life-sustaining capacity of the Earth; and the polarity between the haves and have-nots.

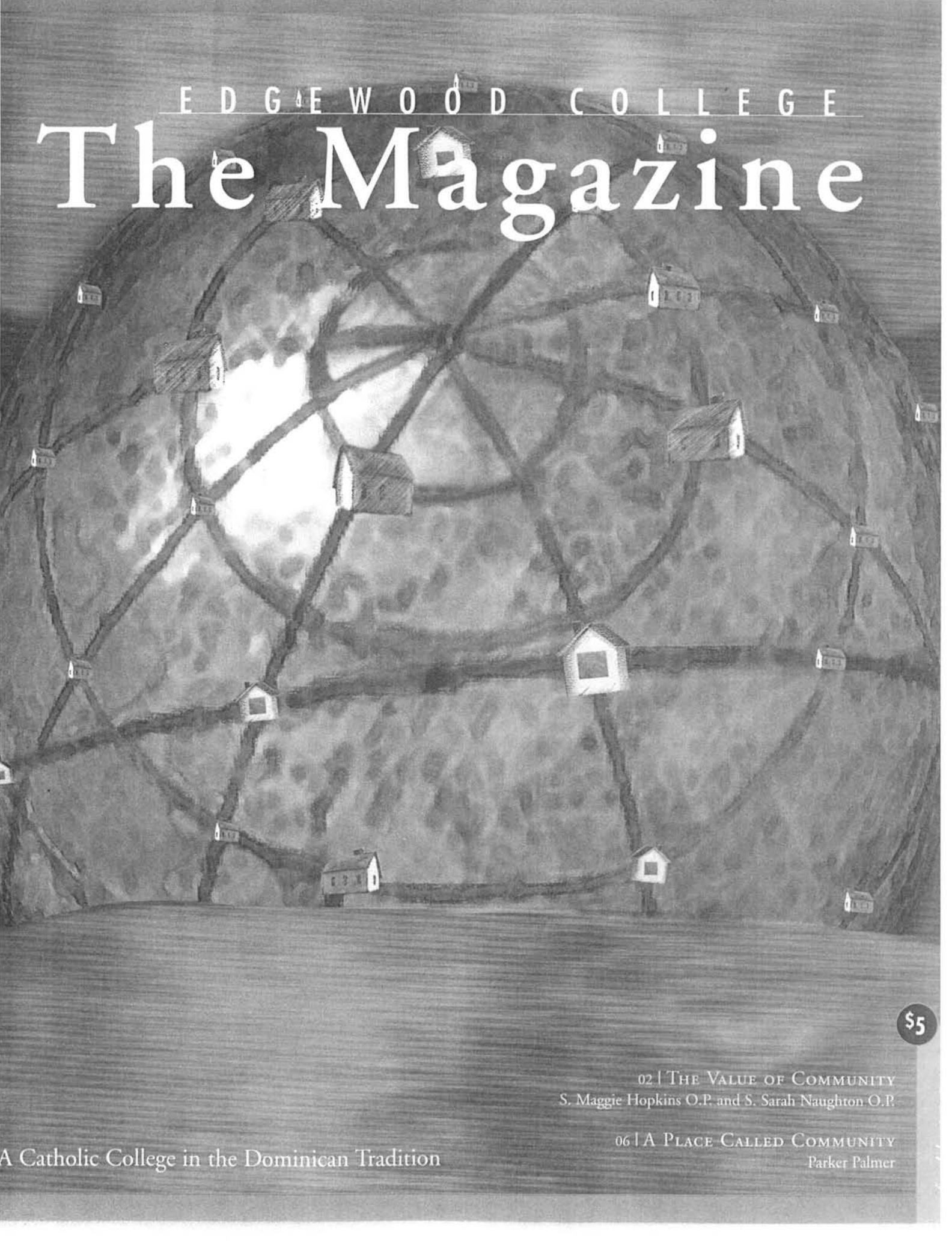
I believe that conservation is much more than a "personal virtue" and that sustainable development is an imperative, ...not an option or a utopian dream. I believe that sustainable development will remain the dominant economic, environmental and social issue of the 21<sup>st</sup> Century, and that it will evolve either by choice or by catastrophe. I continue to believe that engineers, as problem formulators and solvers, should be at the center of the choice-related debates. All of this will require a fundamental redirection in Engineering Education – aimed at producing engineers who possess a sensitivity to the social, cultural, economic, and the industrial environment in which they work, as well as the competency to accept responsibility for effective societal leadership.

Green Engineering Programs and Engineering Forums are a good beginning – both have the opportunity and the wherewithal to develop traction to help propel us along the arduous path to commonplace industrial and academic practice of sustainable and environmentally conscious engineering. Hopefully, with commonplace practice, we can move beyond our seemingly stuck position where we are so rich in knowledge and so poor in wisdom.

My best wishes for your every success and thank you for allowing me to share my personal views with all of you pathfinders.

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A Catholic College in the Dominican Tradition

## Judy Splitt, Music Lover, Lover of Life

A wise teacher once said, "Music gives a soul to the universe, wings to the mind, and life to everything." Perhaps no one understands that better than Judy Splitt.

"Music is highly important for all children, especially the young child," said Splitt, a 1956 graduate of Edgewood College. "They not only learn to listen and express themselves, but to create beauty and happiness as a group."

Splitt began her career teaching kindergarten in West Allis and Wauwatosa, Wisconsin, in the fall of 1956. She later accepted a position in Mount Prospect, Illinois, teaching kindergarten and preschool, where she developed a program called "Music for Children" in 1985.

"I began 'Music for Children' group classes at a large and well-run Park District site in Mt. Prospect," said Splitt. "The children, ages 4-6, were exposed to various forms of music, suitable for their ages. Within these music groups were children with Down's Syndrome, some with behavioral problems, and those who couldn't get along in any other program."

Surprising to Splitt was how receptive these children were and how well they were able to find "life" in music.

"It was amazing how they all blended, cooperated, and enjoyed—each finding his or her own talent—if it was body rhythm, or singing, or rhythm instruments, or chromatics using their imagination."

Splitt claimed that every now and then she runs into mothers of children whom she taught in kindergarten or the music program, and they tell her how their children are now playing an instrument or are in a band. They all say that their musical aptitude began with Splitt's instruction.

**"Music gives a soul to the universe, wings to the mind, and life to everything."**

She stressed how important music is and how every primary teacher should be trained in music along with the other educational requirements. For Splitt, that education came at Edgewood, where she benefitted from the values of the liberal arts education and the first-hand experiences of a small college.

"When I look back at my Edgewood experience, two educational areas stand out," said Splitt, who majored in primary education and has a double minor in art and English. "One is the excellent preparation and 'hands on' training given to us for teaching and dealing with children. The other is the teaching of the sacredness of life."

Splitt claims the theology and philosophy classes that she took at Edgewood also "planted seeds" in her life. She said these classes opened her mind toward concern for all of life.

Through such a diverse assortment of classes, Splitt had many influences at Edgewood, which in turn have been instru-

mental in the development of her profession, and prepared her for life after Edgewood.

"It didn't take long during my first year of teaching five-year olds to realize how well prepared I was," said Splitt. "I thanked God for Sister Mary Rosary (then the head of the

whole child." She thanks Sister Teresita for instilling in her the value of art in educating the soul. Splitt still paints, and has even painted murals on two walls of her Wisconsin home, where she resides with her husband, Frank.

The couple has spent a lifetime actively participating in their parish and hospital ministry, as well as working with an international group called "Foundation for Global Community." Now in retirement and spending half of the year with her husband Frank, in the north woods of Wisconsin, Splitt believes it's important to never stop learning.

"Both my husband and I attend classes at Marywood, a Franciscan Spirituality Center, to learn more about the universe," said Splitt, who also volunteers at the Minocqua Wildlife Center. "Now, the call of the loon and the flight of the eagle have a profound new meaning for me as does all of life."

Primary Education Department) and Sister Christina (who taught kindergarten in the campus school), who between them imparted educational knowledge and 'hands on' training."

"I am especially grateful for the excellent classes in teaching of children's music with Sister Justinia. Although I had years of piano behind me, the methods learned to reach young children proved to be invaluable."

Along with music, art has also played a large role in Splitt's life and her teaching.



>>Judy '56, and Frank Splitt

She claimed that art is also a "vital part in educating the

Thanks Edgewood, for giving me direction in my life."



## **PART 3: 2002**

### **ESSAYS & COMMENTARIES: 2002**

Engineering Education Reform: A Trilogy



**ENGINEERING  
EDUCATION  
REFORM:**

*A Trilogy*

Frank G. Splitt

## DEDICATION

*This publication is dedicated to the memory of the late Arthur J. Schmitt, the inventive industrialist who founded the Amphenol Corporation in 1932 and the philanthropist who founded the Arthur J. Schmitt Foundation in 1941. Concerned that engineers were being too narrowly educated and that industrial leadership was going by default to those with backgrounds in general education, he became the educational innovator who founded the Fournier Institute of Technology in 1943. Mr. Schmitt's quest was for leadership. His aim was to provide effective industrial leadership via electrical engineers skilled not only in their profession, but in business administration and communications as well. His vehicle was education. Mr. Schmitt often paid tribute to America's engineering genius and cited the importance of engineers in America's future. He believed there was no field with richer rewards, none more intriguing, and none more important to the growth and defense of our nation. His mission continues through the work of the Arthur J. Schmitt Foundation.*



*Arthur J. Schmitt*

(Photo courtesy of the Arthur J. Schmitt Foundation)

For more on Arthur J. Schmitt, see Schaefer, Arthur J., *Quest for Leadership: The Arthur J. Schmitt Story*, Cathedral Publishing, Chicago, IL.

# **ENGINEERING EDUCATION REFORM:**

## **A Trilogy**

ENVIRONMENTALLY SMART ENGINEERING EDUCATION:  
A Brief on a Paradigm in Progress

THE CHALLENGE TO CHANGE:  
On Realizing the New Paradigm for Engineering Education

ENGINEERING EDUCATION REFORM:  
A Path Forward

**October, 2002**

**Frank G. Splitt**

McCormick Faculty Fellow  
Northwestern University  
McCormick School of Engineering and Applied Science

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The International Engineering Consortium sponsored the publication of this trilogy as a public service to academia, government and industry. The Consortium is a nonprofit organization dedicated to catalyzing positive change in the information industry and university communities. It provides high-quality education for industry professionals, academics, and students. Among its initiatives are educational conferences, technology exhibitions, on-line educational programs, and the publication of research studies that focus on major issues and emerging technologies. More than 70 leading high-technology universities are currently affiliated with the Consortium. Industry is represented through the involvement of thousands of executives, managers, and professionals. For more information visit [www.iec.org](http://www.iec.org).

## FOREWORD

In a changing environment and under pressure we do what we can to avoid being left behind or dealt out. We fall back where we can on the status quo to maintain our comfort zones. So it is with our professions and with undergraduate education reform.

Post-Sputnik, more money for research became available to academia than ever before. Universities adapted and evolved into today's research institutions. Faculty success is now judged by production of new knowledge, publication in the "right" journals, and procurement of outside funding. These research-related measures now dominate decisions about hiring, merit, promotion and tenure. Faculty members are subject matter experts as a matter of survival. The supporting infrastructure grew, too, and needs funding as well, so faculty and administrators have become fundraisers and managers. Without the (mostly) federal funds on which they now depend, some academic units could not meet current payrolls.

Many engineering faculty are buying out teaching time, setting their agendas to respond to granting agencies rather than to students and colleagues, and running near burnout. It can be so difficult to give time and energy to undergraduate curriculum development that too often faculty fall back on familiar material and ways of teaching. Declining enrollments are evidence that this is no longer working well. Student interest in engineering as a career is not being engaged as it once was.

Substantial mismatch exists between the interests and concerns of the MTV generation and those of faculty striving for success on the measures the university rewards. The current undergraduate student body differs in important ways from those of the past. Students have a sense of entitlement to a good grade despite a mediocre performance. They like to manipulate software, but are much less interested in learning the underlying principles. They use their hand-held calculators efficiently, but rarely get the physical picture well enough to recognize errors in the results – even when they grind out nonsense. The instructor is viewed skeptically for suggesting regrouping the symbols in an equation to look for simplifications in the calculation, or even just using approximations like canceling pi squared over 10. The art of the back-of-the-envelope calculation is virtually lost. It is a different world, and the system needs fixing at a time when the nation needs new engineering talent.

There has been progress in both curriculum content and pedagogy in a number of individual engineering programs, and there is evidence from the NSF Engineering Coalitions of increased student retention, faculty rejuvenation and some institutional sharing of successful new approaches. Many engineering programs are still providing undergraduates with Sputnik-era kinds of instruction, however. Too often we employ the teaching styles to which we ourselves once responded. Some of today's dedicated, but overburdened, faculty members invest considerable time and energy in undergraduate program reform as a labor of love and without much expectation of reward. They are virtually powerless to change the priorities and demands of their institutions, and they are only human.

Old ways do not prepare undergraduates well for the 21st-century marketplace, either. Strong messages from the employers of our undergraduates have been heard for some time. ABET responded to industry's warnings with its outcomes-based ABET EC 2000. No longer need a program count beans that fit outdated curricula. Rather, new criteria ask for evidence that the program meets the goals of its own curriculum design. This is an important step forward for undergraduate engineering education. NAE has responded with the prestigious new Gordon Prize for innovation in engineering education and, most recently, with the formation of a Center for the Advancement of Scholarship in Engineering Education that will seek to motivate continuous improvement in engineering education.

The author of these three papers, the trilogy, offers specific suggestions. In a true missionary spirit, he draws on extensive industrial experience, his participation in the early development of ABET EC 2000, and a substantial immersion in academe to provide his own noteworthy insights and a number of provocative ideas. Whether or not you agree with them, this interesting set of papers should be viewed as a valuable contribution to the literature on engineering education reform. It is worthy of serious attention and discussion by all stakeholders in engineering education.

**Irene Peden**

Professor Emerita, University of Washington

## PREFACE

These papers had their genesis at the International Engineering Consortium (IEC) Executive ComForum 2000 where fellow IEC Director Chris Earnshaw asked me to supply him with several "white papers." These early 1990s papers supported the IEC's effort to catalyze transformational change in the areas of communications infrastructure, education, and the environment. The letter covering the transmission of the papers became the basis for a paper entitled *Educational and Environmental Initiatives: Some Recollections, Observations, and Recommendations* that was first published by the IEC for distribution at the Spring 2001 National Electrical Engineering Department Heads Association Meeting. The paper received widespread distribution, generated useful feedback, and, via the NSF's Janet Rutledge, led to an invitation to deliver a keynote address at the 2001 Virginia Tech and EPA sponsored Green Engineering Conference. Following the conference, work began on a proposal to close the environmental literacy gap that exists in most of our nation's engineering programs. This proposal effort provided valuable insights and eventually led to a renewed campaign for engineering education reform and an attempt to answer three questions that seem critical for understanding why engineering education reform is needed and needed now.

1. Why is the large change such as that implied by "engineering education reform" needed?
2. Why cannot incremental change make the changes needed on an appropriate time scale?
3. Why do we need to recognize leadership and systemic change in engineering education now?

The answers to these questions can be found in these papers, but perhaps without the focus needed to help those not already committed to understand the urgency and move toward commitment. So, let me offer a few summary answers to these questions as a preface to the papers.

First, engineering graduates need to be significantly better prepared for the 21st-century engineering workplace. Although the (now) traditional engineering education offered at most of our engineering schools provides a good education about the technical aspects of engineering, other areas such as communication competence, ethics and professionalism, sustainable development and the environment, working in teams, the current approach to quality, focus on customer needs, "business" practices, and other non-technical areas seem to receive little or no attention in many engineering curricula. Therefore, many engineering graduates do not have the breadth of jobs available to them they could have. Qualified engineering students at the freshman and sophomore level fail to see engineering as a profession that helps people – one that focuses on meeting people's needs; and/or they find the learning environment unsatisfactory. They then transfer to another field of study.

Second, the changes needed are broad in scope – beyond just changing a few courses. Many of these changes must be made at the same time. Engineering programs need to attract and retain more of the "best and brightest" students on the campus. To make these changes, faculty need to change their view of what the curriculum should be like.

Third, those taking leadership roles in engineering education reform will need to devote a significant portion of their time for an extended period of time to implement the engineering education reforms needed. We also need to involve some of the best minds among our faculties. Without recognition and reward for their efforts, these individuals likely will choose other places to put their efforts.

These views and those expressed in all of the papers reflect an industry perspective. They are based on my fifty years of experience as an engineer – including forty years of workforce experience in the telecommunications industry spanning product design, R&D, and management. Industrial experience as an engineer-practitioner was complemented with service on several industry advisory boards – ranging from service at a community college and two research universities, to service on the ABET Industry Advisory Council and the Educational Activities Board of the Institute of Electrical and Electronic Engineers (IEEE). Close interaction with deans and faculty, on-campus and at several University-Industry Colloquia and other events, sponsored by the International Engineering Consortium, provided valuable insights and feedback as well. Dialogues with students during the course of campus visits and invited lectures influenced my perspectives.

Arthur J. Schmitt had a profound overall influence on my thinking, career, and direction in life via the educational experience he provided at the Fournier Institute of Technology. With reference to these papers, perhaps the strongest influence came from the research and commentaries surrounding a number of addresses – related to the future and to the changing needs of industry – given to engineering-school students, parents, faculty and administrators during the period, 1986-1993. The numerous papers and reports on engineering education referenced herein, also contributed to the shaping of my views, particularly those of Edward W. Ernst, Distinguished Professor Emeritus, University of South Carolina, and the late Ernest L. Boyer, Past President of the Carnegie Foundation for the Advancement of Teaching. However, in the end, the following opinions and views are entirely my own; and, as such, they do not carry or imply formal endorsement by any of my past or present institutional affiliations.



# PART I

## ENVIRONMENTALLY SMART ENGINEERING EDUCATION:

### A Brief on a Paradigm in Progress

#### ABSTRACT

Sustainable development has become the dominant economic, environmental, and social issue of the 21st century, yet its broad infusion within engineering education programs remains a challenge. This paper discusses the importance of environment and sustainable development considerations, the need for their widespread inclusion in engineering education, and the impediments to change. The roles of ABET and others in the evolution of these considerations in engineering education are presented; however, it is through the ABET engineering criteria that broad adoption of environment related considerations in engineering education will most likely occur. An effort to achieve this aim is described.

#### I. INTRODUCTION

Engineering education has undergone significant reform since the mid-1980s, with the environment and sustainable development emerging in the late 1980s as major issues not yet reflected in this reform. Speth and Smart said it well in 1990 [19], *"In survey after survey, people call for a better environment and improved economic conditions. These are not mutually exclusive goals. Rather, they are necessary and mutually supporting conditions... businessmen, environmentalists, and politicians must forego finger-pointing and join together and create a global program for sustainable development."* It was obvious then, that this issue was going to have a significant impact on industry and engineering education in the future.

At about the same time, during his term as the president of the Accreditation Board for Engineering and Technology (ABET), Ed Ernst initiated the formation process for an ABET Industry Advisory Council (IAC). It was his view that ABET was in need of more proactive involvement of industry leaders. He also saw ABET in a high-leverage position to affect change in engineering education since a major restructuring of the accreditation criteria and process would have significant long-term effects. The ABET IAC had its first meeting in May 1991, a time when President James Duderstadt of the University of Michigan, President Charles Vest of the Massachusetts Institute of Technology, and others, were calling for a fundamental change in the post-World War II model for engineering education. This was also the time when the National Science Foundation (NSF) was demonstrating increased interest in curricular innovation [18]. However, it was really the ABET efforts that provided a platform to implement major changes in engineering education as well as a venue for the broad introduction of environmental protection and sustainable development imperatives into engineering programs.

It was evident to the ABET IAC that sustainable development was becoming a dominant economic, environmental, and social issue of the 21st century [3][13], and that a fundamental change in engineering education was required to help the next generation of engineers learn to design for sustainable development and long-range competitiveness. This view was reflected in a letter sent to the ABET president, Al Kersich, by ABET IAC chairman, Mike Emery, that called upon ABET to bring about a major paradigm shift in engineering education [7]. Among other things, the ABET IAC asked that emphasis be placed on teamwork and an interdisciplinary understanding of the societal, ecological, financial, national, and global impacts of engineering. It also recommended a set of *Accreditation Process Principles and Concepts & Supporting Strategies* that later helped form the basis for ABET Engineering Criteria 2000 (ABET EC 2000): Criterion 3 Programs Outcomes and Assessment [8][24].

The *Accreditation Process Principles* called for the *"understanding of and work toward sustainable development, ... safety and environmental impact."* In the process of balancing specific guidance against flexibility of choice by engineering programs, the wording of the *Accreditation Process Principles* relative to environmental considerations was subsequently generalized. Thus, Criterion 3 presently does not reflect the emphasis that the ABET IAC *Accreditation Process Principles* placed on these considerations. The ABET IAC also asked that engineering programs seek to provide their graduates with a combination of skills, attributes, and characteristics among which were: *"A holistic approach to achieve solutions to engineering challenges by integrating the elements of general education including human needs, culture, history and tradition, sociology, politics and government, economics and the environment."* Emphasis on the environment and sustainable development was considered one of the ABET IAC's more important recommendations and was promulgated as such at ABET and American Society for Engineering Education (ASEE) conferences [21].

Looking back, it can be understood why Criterion 3 was generalized to the extent that it was. The burden of developing case studies and other mechanisms that enable student learning in the areas listed is exactly where it should be – on the engineering programs. Unfortunately, a significant opportunity for an appropriate level of guidance may have been lost in the process of getting to this end objective.

## II. AN ENVIRONMENTAL LITERACY GAP

Much of environmental engineering education, meaning environmental topics and considerations, are to be found mostly in civil, environmental, and/or chemical engineering programs. This creates a two-part problem in engineering education. First, environmental design constraints and opportunities should permeate all engineering disciplines, as environmental factors need to be considered at the beginning of every engineering problem; and second, as good as ABET EC 2000 is, its criteria are open to an interpretation that can permit an environmental literacy gap to exist in our engineering programs and disciplines.

The beauty of the ABET engineering criteria structure is that the environmental literacy gap can be closed by adding the word “environmental” to Criterion 3(f), rewording Criterion 3(h), or by requiring, in Criterion 4, that environmental impact is considered in the student’s capstone project. Since ABET engineering criteria are focused on student outcomes, new courses would not be mandated. The programs would be free to develop their own innovative ways to guide all engineering students to an understanding that environmental factors are an element of “best engineering practice;” and, that this understanding will be an important outcome of their engineering education. However important, the infusion of environment into the ABET engineering criteria will not be easy.

An effort to close the environmental-literacy gap was initiated early this year. The National Council for Science and the Environment (NCSE), Northwestern University, and Virginia Tech endorsed a related proposal while personal endorsements and commentaries came from academe and industry, see the Appendix and Reference [25]. The proposal is in the process of ABET review, endorsed in principle, by the Accreditation Policy Council of the IEEE Educational Activities Board.

### A. The Importance of Sustainable Development

Numerous organizations and efforts have cited the importance of sustainable development. For example, the National Science Board (NSB) began its report, *Environmental Science and Engineering for the 21st Century* [14], with the statement, “*Within the broad portfolio of science and engineering for the new century, the environment is emerging as a vigorous, essential, and central focus... The environment is no longer simply a background against which research is conducted, but rather the prime target for increased understanding.*” The NSB recommended that “*Environmental research, education, and scientific assessment should be one of NSF’s highest priorities;*” and called on the NSF to “*encourage proposals that capitalize on student interest in environmental areas while supporting significantly more environmental education efforts through informal vehicles.*” Over the past twelve years, the National Academy of Engineering (NAE), through its program on Technology and Sustainable Development, has conducted a series of industrial ecology workshops and related studies with numerous publications – all with the aim of illuminating the relationship between technology, economic growth, and the environment [10] [11][26]. Further, during a May 2000, Executive Summit at the World Telecommunications Congress (WTC) organized by International Engineering Consortium (IEC)-Director Chris Earnshaw, thirteen of the world’s leading telecommunications companies pledged to work together to promote a range of measures designed to realize the positive impact of the communications industry on the global environment and on sustainable development. Earnshaw and BT see “a virtuous circle between the success of our business and sustainable business practice...” [5].

Finally, the 2001 BusinessWeek 50 (BW-50) contained an interview with a *BW-50 Master of Innovation* in energy efficiency [2], Amory B. Lovins, CEO (Research) at the Rocky Mountain Institute. Lovins and his co-authors expand on the subject in *Natural Capitalism* [12][27]. In their book, they claim that most businesses still operate according to a worldview that has not changed since the start of the Industrial Revolution when natural resources were abundant and labor was the limiting factor of production. The authors go on to provide a number of case studies and explain how the world is on the verge of a new industrial revolution wherein business and environmental interests will increasingly overlap, and in which companies can improve their bottom lines while helping to solve environmental problems and foster the innovation that drives future improvement. These, and other efforts, provide a wake-up call for our engineering programs to guide students to a basic understanding of environmental impact on design.

## B. The Impediments to Change

The examples mentioned above present many openings for dialogue and debate on both the extent and the manner in which the concepts of sustainable development and sustainable business practice can be integrated into the curriculum of our engineering programs. Such integration can best be described as disruptive educational “product” innovation. Engineering education innovators are thus faced with the innovator’s dilemma – aptly described by Clayton Christensen [4]. The dilemma is that educational products in this vital area do not represent the coin of today’s academic realm – simply put, they do not fit the present-day rewards and recognition systems operative at most of our engineering programs [20][25]; further, there is strong resistance to embedding additional requirements in the ABET criteria.

Views similar to the above have been expressed by Suren Erkman [9] and John Ehrenfeld [6]. In a historical view of industrial ecology [9], Erkman states: *“there is a need for integrating industrial ecology into new management practices. Education of engineers, economists, managers and natural scientists becomes crucial, in order to deal with a serious cultural problem: ecologists usually don’t know about the industrial system. On the other hand, engineers, and people from industry in general, have a very naïve view of nature and are very defiant against ecologists and ignorant about scientific ecology.”* MIT’s Ehrenfeld discusses the role of universities in industrial ecology [6] and states: *“the university can and must play a central role in developing the concept of industrial ecology and institutionalizing its practice.”* According to Ehrenfeld, to do this, the universities must overcome strong disciplinary barriers, jealousies, and their own political dynamics, as well as enter into a broad discourse among all the players. He also sees the need to reconstruct the disciplines in a way that mimics the seamless web of the very world we are attempting to understand.

These views may appear to be a bit harsh, but they are not all that new. In a 1938 lecture, given to the College of Engineering at the University of Wisconsin [15], Aldo Leopold, a foremost conservationist and environmental scholar, pointed out the adverse ecological consequences of civil engineering. Of particular interest are his comments: *“Every professional man must, within limits, execute the jobs people are willing to pay for. But every profession in the long run writes its own ticket. It does so through the emergence of leaders who can afford to be skeptical out loud and in public – professors, for example. What I here decry is not so much the prevalence of public error in the use of engineering tools as the scarcity of engineering criticism of such misuse. Perhaps that criticism exists in camera, but it does not reach the interested layman.”* Leopold felt that an understanding of ecology *“is by no means co-extensive with ‘education’; in fact, much higher education seems deliberately to avoid ecological concepts”* [16].

## III. OUTLOOK FOR THE FUTURE

Experience teaches that change must sometimes come from outside. For example, Karl Martersteck, a former vice president at AT&T Bell Laboratories and former president and CEO of ArrayComm, pointed out that [17][25]: *“environmental concerns are not likely to find a place in most engineering curricula without a forcing function such as the ABET criteria.”* At the 1998 Engineering Foundation Conference (EFC’98) – *Realizing the New Paradigm for Engineering* – ABET EC 2000 was looked to as a mechanism that could be used to drive as well as enable change [1][22].

It is expected that commonplace practice of sustainable development and business practice will evolve over time, either by choice or by catastrophe. The key to evolution by choice is expected to be the growing awareness by the financial and investment communities of the intrinsic value of ecoefficiency – maximum long-term economic gain and minimum overall environmental impact – as defined by the World Business Council on Sustainable Development [23][28] – and “blueprinted” in *Natural Capitalism* [12]. Businesses will then exert an ever-increasing demand for engineering graduates conversant with environmental issues and economics, and, most importantly, engineers skilled in systems thinking and in related ecoefficient design and manufacturing practices. In turn, this change will give birth to a new paradigm in engineering education – environmentally-smart, life-cycle design for competitive advantage.

Green Engineering Programs are a good beginning – so too, are Engineering Forums such as the AAES/ASEE Engineers Forum for Sustainable Development and the Institution of Electrical Engineers (IEE) Professional Network on Engineering for a Sustainable Future. Noteworthy, is the work of the NCSE to bring about the full implementation of the recommendations set forth in the NSF’s report on its future role in environmental science and engineering [14]. Encouraging, as well, is the work done by the Technical Activities Committees of the various Engineering Societies, the Association of Environmental Engineering and Science Professors (AEESP) and the American Academy of Environmental Engineers (AAEE). All of these have the opportunity and the wherewithal to develop traction to help propel the engineering community along the arduous path to commonplace industrial and academic practice of sustainable and environmentally conscious engineering.

## IV. CONCLUSION

As we continue to move into the 21st century, helping academia understand the escalating changes in industry, and the relationship of the changes to the concepts of sustainable development and sustainable business practice, will present a major challenge. Significant advances in industry's supporting technologies and services, together with their business and environmental implications make academia's learning needs substantial. ABET, acting in its consultative capacity, can play a vital role in this area. Nevertheless, what appears to be common sense has yet to become common practice. Not until we see most of our engineering programs placing a high value on these concepts, as evidenced by incorporation in the program's mainstream value network, will we know that we have progressed beyond the early adopter phase of concept diffusion. We will then witness most of our engineering programs operating to bring balanced perspectives to engineering via the ecoefficiency paradigm – environmentally smart, life-cycle design for competitive advantage. Today, it remains a paradigm in progress.

## ACKNOWLEDGMENTS

Over the years, many organizations and people contributed to the work described in this paper at different times and in a variety of ways. Ultimately, people, and not organizations, really helped to make things happen. My appreciation and thanks go to Bob Barnett, Wayne Bennett, Ted Bickart, Michael Bunch, John Birge, Dave Blockstein, Joe Bordogna, Steve Carr, Dick Carsello, Jerry Cohen, Elizabeth Coles, Mike Emery, Chris Earnshaw, John Ehrenfeld, Ed Ernst, Sam Florman, Bob Frosch, Jim Gibbons, Jack Gibbons, Mike Gorman, Mike Gregg, Abe Haddad, Martin Hellman, Hazel Henderson, Kristin Hill, Bob Janowiak, Ken Laker, Amory Lovins, Karl Martersteck, Jim McKelvey, Curt Meine, Art Moeller, John Pappas, Jim Plummer, Jim Poirot, John Prados, Manijeh Razeghi, Mike Sanio, Bill Schowalter, Tim Trick, Jim Vaughan, Julia Weertman, and Jim Wolter.

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NOTE: This paper was published in the October 2002 issue of the ASEE Journal of Engineering Education (JEE).

#### APPENDIX: SELECTED COMMENTARIES ON A PROPOSED CHANGE TO ABET EC 2000

"I see this proposal as a reflection of the growing need to consider economic and environmental factors at the very beginning of engineering design and as a logical extension of ABET EC 2000. I also see the McCormick School using our *Engineering First* program to set the foundation for our student's learning that an understanding of their environmental responsibility will be an important outcome of their engineering education – an understanding that can be demonstrated by means of the student's capstone design project."

**John Birge**, Dean, Northwestern University's McCormick School of Engineering and Applied Science

"Although environment has been introduced into engineering curricula increasingly over the past several decades, its place is still not recognized formally as part of the contextual foundation for engineering education. The explicit inclusion of environment in the ABET criteria is long overdue and deserves an equal place next to ethical and professional responsibility."

**John R. Ehrenfeld**, Director Emeritus, MIT Technology, Business and Environment Program, Executive Director International Society for Industrial Ecology

"Environmental issues have become central to much engineering design and practice. Yet environmental questions remain peripheral, and sometimes are absent from, most engineering education. Environmental knowledge and skills should become much more central parts of engineering education, taking a natural place in engineering practice...."

**Robert A. Frosch**, Senior Research Fellow, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University

"I have become acquainted with efforts to propose a seemingly minor but important and timely change to 'ABET Engineering Criteria 2000' that would upgrade knowledge of environmental implications of engineering designs. I believe that such a move to foster and integrate environmental considerations BROADLY across engineering education is sorely needed. Essentially all engineering disciplines now play a role in the move toward 'dematerialization' of net resource flows (lifecycle design) in providing goods and services."

**John H. (Jack) Gibbons**, (former) Assistant to the President for Science and Technology and Director of the White House Office of Science and Technology

"Engineering is inherently concerned with the art of the practical, what can be done to better human existence at a reasonable cost. As the cost, in both lives and dollars, of past environmental neglect becomes ever more evident, both conscience and good business sense require that we pay more attention to this critical area. ABET can play an important role by highlighting the need in its accreditation criteria."

**Martin Hellman**, Professor Emeritus of Electrical Engineering, Stanford University

"Your proposed change to add to Criterion 3 (f) of ABET Engineering Criteria 2000 the word 'environmental' is a small, but important change. I know first hand that the inclusion of 'professional' and 'ethical' responsibilities in this criterion is being seri-

ously adhered to by electrical engineering programs and ABET/IEEE evaluators. Hence, with the 'environmental' in the criterion, I believe in a few years all undergraduate engineering programs will have imbedded environmental responsibilities into their curricula in some manner. Like many important changes in engineering education, they take longer to institutionalize than any of us wish...."

**Kenneth Laker**, Professor and Graduate Group Chair, University of Pennsylvania, Department of Electrical Engineering, Past President, IEEE

"I whole-heartedly endorse and support the proposal to add the requirement for knowledge of environmental responsibilities to the ABET criteria for ALL engineering graduates...let me emphasize that in my opinion engineers undoubtedly have the greatest potential (relative to virtually all other professions), not only for responsible environmental protection, but also for environmental improvement, as they carry out their various project tasks and activities. Engineers are in a unique position to positively impact the environment and clearly have a global responsibility to do so. This will never happen, or worse, the environment will be negatively impacted, if engineers are not educated properly regarding the environment. Admittedly, there is an ever-growing body of technical knowledge which must be imparted to engineering students. Hence, there will be a natural resistance among academics to further increase this burden with environmental material. Therefore, environmental concerns are not likely to find a place in most engineering curricula without a forcing function such as the ABET criteria...."

**Karl Martersteck**, Retired President and CEO, ArrayCom Inc., Former Vice President, AT&T Bell Laboratories.

"Protection of the environment is clearly one of the most important issues facing mankind today. It is an issue in which the engineering profession must have a key role. Engineering educators should be encouraged to bring environmental thinking to the attention of undergraduate engineering students. Your proposed addition of the word 'environmental' to the ABET criteria should be a helpful step in this direction."

**James M. McKelvey**, Senior Professor of Chemical Engineering, Former Dean of Engineering (1964-91), Washington University, St. Louis.

"Engineers have a greater potential impact on our environmental inheritance than members of any other profession and we, therefore, have a greater obligation and responsibility to see to its care. It is a daunting responsibility, replete with ethical and professional pitfalls. Engineering universities and colleges have a duty to make their graduates aware of these responsibilities."

**Malcolm McPherson**, Dean of Engineering, Virginia Polytechnic Institute and State University

"Environmental awareness is a necessary part of all education, not just for engineers. Within the engineering sphere, however, we must do our best to help students understand the cause and effect of their decisions relative to the environment. Changing the ABET Engineering criteria to include 'environmental responsibilities' should be enacted immediately. Environmental responsibility should become a core part of all engineering classes. New classes are not needed, but current professors need to be educated on how to integrate environmental impact into their classes. Design projects can be geared to this as well, when applicable, which will get students thinking creatively about these issues outside of class. I endorse this initiative as a positive step toward environmental literacy."

**Manijeh Razeghi**, Walter P. Murphy Professor, Director, Center for Quantum Devices, Department of Electrical and Computer Engineering, McCormick School of Engineering and Applied Science, Northwestern University

"The National Council for Science and the Environment (NCSE) strongly supports the proposal to add the word 'environmental' to the ABET Engineering Criteria 2000, Criterion 3 so that the Criterion would read, 'Engineering programs must demonstrate that their graduates have: (f) an understanding of professional, ethical, and environmental responsibilities.' We believe that this addition could be significant in helping to ensure that engineers are significant contributors to the challenges of environment and sustainability that are facing the inhabitants of planet Earth."

**Peter D. Saundry**, Executive Director, National Council for Science and the Environment

"As you know, I've worked hard to REMOVE language from ABET requirements, but it seems to me the word you wish to add is, if properly interpreted, an obvious improvement. One would hope that in certain fields, such as chemical engineering where process design usually is oriented to avoid an end-of-pipe problem in the first place and civil engineering where environmental issues have long been important, the change would require almost no revision to current practice. In other areas, and I would include EE here, substantive changes might be in order. In any event, putting 'environmental' on the same footing as 'ethical' sounds good to me."

**William R. Schowalter**, Dean Emeritus, Professor of Chemical Engineering Emeritus, University of Illinois at Urbana Champaign

# PART II

## THE CHALLENGE TO CHANGE:

### On Realizing the New Paradigm for Engineering Education

#### ABSTRACT

The new paradigm for engineering education goes beyond the need to keep students at the cutting edge of technology and calls for a better balance in the various areas of engineering-school scholarship. The perpetuation of the old paradigm by engineering schools will all but assure minor roles for engineers in the future as well as difficulty in adapting to the exigencies of the fast-paced global marketplace. However, the transition from the old to the new paradigm will not be easy since many of our research-intensive universities are faced with financial pressures while the wherewithal to make the change rests mostly with those who oppose the change in the first place. This situation, coupled with the fact that there is no “one-size-fits-all” transition paradigm, represents the challenge to change. Still, a number of engineering schools have made significant changes and have developed innovative approaches in their undergraduate programs. Taken together, the proven methodologies and knowledge gained should make it possible for most engineering schools to devise revitalization programs that fit the context of their institution, its student body, faculty, and objectives. This paper argues for an assessment study to lay the foundation for future reform initiatives.

#### I. INTRODUCTION AND PURPOSE

The introduction of Engineering Criteria 2000 by the Accreditation Board for Engineering and Technology (ABET) [1] was a seminal event on the path to a new paradigm for engineering education. The 1998 Engineering Foundation Conference (EFC'98) – *Realizing the New Paradigm for Engineering Education* – co-chaired by Edward W. Ernst, University of South Carolina, and Irene C. Peden, University of Washington, provided further impetus to engineering education reform. At EFC'98, Ernst reminded the participants that intense discussions beginning in the late 1980s, coupled with several conferences, workshops and studies “produced a consensus about what engineering education should be – what the stakeholders expect in the content of the curriculum, innovative approaches to teaching, and involvement of students. Achieving the change needed in engineering programs across the country has become the current barrier that must be surmounted for engineering education to realize the new paradigm for engineering education and to serve the stakeholders even better” [2].

One purpose of EFC'98 was to highlight a new program, Action Agenda for Systemic Engineering Education Reform that stemmed from recommendations made at a July 1995 workshop convened by the Engineering Directorate of the National Science Foundation (NSF) [3], just after the publication of authoritative reports on engineering education reform by the American Society for Engineering Education (ASEE) [4] and the National Research Council (NRC) [5]. This new NSF program was to encourage proposals from the engineering education community [6]. However, following the conference, changes at the NSF Engineering Directorate led to changes in programmatic emphasis, and the Action Agenda Program was discontinued.

Achieving change via engineering education reform presents a formidable challenge. It is part of the overarching challenge of change, faced by universities and colleges throughout our nation, as described by Duderstadt [7] in his comprehensive analysis of the issues and the need for new paradigms. Others [8-10] have provided additional perspectives. This is a complex age of rapid change where different points of view and conflicting interests characterize the stakeholders who often resemble disconnected parties. Achieving change will not be easy given academe's bias toward preservation of the status quo where publications and research funding drive rewards and recognition. In the early 16th Century, Niccolo Machiavelli, a preeminent political observer and analyst, captured the essence of this type of situation when he wrote in *The Prince*: “There is nothing more difficult, to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.”

This paper is the second part of a trilogy on engineering education reform that also includes *Engineering Education Reform: A Path Forward* [45]. In contrast to the first paper [11] that focused on environmentally smart engineering education, this paper addresses change related to the totality of attributes that define the new paradigm. The specific purpose of the paper is to reveal the significance of what was accomplished at EFC'98 while renewing the call for the New Paradigm in Engineering Education Reform. The various stakeholders in the future of engineering education – administrators, faculty, students, parents, industry and govern-

ment leaders, as well as many others – should better see the shape and dimensions of the dilemma in which they are immersed, be stimulated to debate, and motivated to continue acting along workable paths to implement widespread reform to ensure the vitality and currency of engineering education in the United States.

## II. THE NEW PARADIGM FOR ENGINEERING EDUCATION

National Academy of Engineering (NAE) Chairman, George M. C. Fisher spoke at the 2001NAE Annual Meeting [12]. The implications of his remarks are profound. Along with the ASEE and NRC reports [4, 5], Duderstadt's book [7] and the Boyer Commission Report [13], they provide valuable insights relevant to deliberations on engineering education reform. Fisher ended his talk by saying: *"In conclusion I would remind us that with recognition comes responsibility. As NAE members you are the most accomplished and most respected members of the engineering profession. It is up to you to: 1) Widen your horizons. Be a Renaissance engineer – that is, an engineer for the 21st century, 2) Get involved in public policy. Don't be afraid to run for office. Stand for practical, cooperative solutions. Bring your expertise to the table and make others want to listen to you, 3) Most important, go out and change the world. Make it a better place. Improve the quality of life for all the people of the earth. Isn't that what engineering is really all about?"*

What are the profound implications of Fisher's call for renaissance engineering? Previously, necessity demanded the solution of technical problems related to science and technology. Most of today's engineering-school administrators and faculty reflect this old paradigm as do the school's rewards and recognition system. Renaissance engineers – men and women who get involved with public policy; run for office; stand for practical, cooperative solutions; work to change the world to make it a better place and improve the quality of life for all the people of the earth – first need to be educated in accordance with a new engineering-education paradigm.

The perpetuation of the old paradigm by engineering schools will all but assure minor roles for engineers in the future – in accordance with the old adage, engineers are always on tap, rarely on top. Engineers are there to solve problems defined by others, along with imposed constraints on the solution, but not to set the agenda for problems to be solved. Samuel C. Florman's remarks [14] are to the point: *"When C. Wright Mills wrote his widely-read book, The Power Elite, in 1956, he reported that engineers were typically reduced to the role of 'a hired technician' with true power being vested in 'the corporation chieftains and the political directorate.' That was more tactful than Thorstein Veblen had been in 1917 when he wrote that the public viewed engineers as 'a somewhat fantastic brotherhood of over-specialized cranks, not to be trusted out of sight except under the restraining hand of safe and sane businessmen.' Nor," he added, 'are the technicians themselves in the habit of taking a greatly different view of their own case.'"*

The new paradigm for engineering education is keyed to the fact that current and future demands will be for the solution of problems involving human values, attitudes, and behavior, as well as the interrelationships and dynamics of social, political, environmental, and economic systems on a global basis. It goes beyond the need to keep students at the cutting edge of technology and calls for a better balance in the various areas of engineering-school scholarship [4-6, 15-17]. This basic view was also reflected in industry perspectives [18-24, 45] and by Florman [14], *"If we want to develop Renaissance engineers, multi-talented men and women who will participate in the highest councils, we cannot educate them in vocational schools – even scientifically distinguished vocational schools – which is what many of our engineering colleges are becoming."*

In his remarks at EFC'98, John Prados, University of Tennessee, said [6]: *"Massively integrated populations place environmental protection, health, and safety at the front end of design; mandates for zero discharge, the need to consider total life-cycle costs for new products, and the impact of social and political concerns on engineering decisions have dramatically changed the economic basis of project evaluation."* William Wulf, National Academy of Engineering, then put it another way [25], *"Engineering is creating, designing what can be, but it is constrained by nature, by cost, by concerns of safety, reliability, environmental impact, manufacturability, maintainability, and many other such ilities."* Prados [6] also outlined the salient attributes of the New Engineering Education Paradigm. These attributes have been modified to reflect the industrial perspective of the author and others [4, 5, 18-24] as follows:

- Encouragement of diverse student academic backgrounds and faculty dedicated to developing emerging professionals;
- Connection of solid mathematics and scientific knowledge foundation with engineering practices;
- Maintenance of regular, well-planned interaction with industry – including industry-based projects;
- Integration of subject matter, concepts, issues and principles – including relationships to earlier subject matter;



- Emphasis on inquiry-based learning and preparation for lifelong learning, with much less dependence on lectures;
- Stress on integrative, systems thinking, coping with change, communications skills (listening, speaking, reading, and writing), teamwork and group problem-solving skills (from identification through analysis and resolution);
- Focus on design issues involving life-cycle economics, environmental impact, sustainable development, ethics, timeliness, quality, health & safety, manufacturability, maintainability, social, legal, standards and ad hoc concerns.

It is to be noted that the application of design constraints/opportunities relating to life-cycle economics, environmental impact, and sustainable development, render what has come to be known as ecoefficient design [11]. No doubt, some of the details in the above list of attributes will change over time. However, programs that reflect these attributes will not only yield renaissance-engineer graduates with the tools to face an unpredictable future with confidence in their abilities, but also yield untold benefits to the world in which they will live.

In the end, it is likely that students that attend schools with programs that do not reflect these attributes will be disadvantaged. Just as a lack of diversity in a stock portfolio can spell disaster during downturns in the economy, so too will overspecialization in the engineering disciplines. This is yet another argument for educating well-rounded engineers who can address the variety of design challenges represented by the highly competitive, global marketplace and can also develop the capacity to adapt to the ups and downs of business cycles. Unfortunately, “deprived” students and schools form a mutually reinforcing couple. The problem with institutional indifference to the real needs of engineering graduates is that students have become desensitized to real-world needs that reach beyond the technical, and, as consequence, seem to be satisfied, regardless of conditions, so long as they graduate. Instead of being disappointed with their educational experience, the students are prone to rationalize – changing how they view their experience. The fact that students continue to attend such academic institutions is not indicative of anything in particular because they have adjusted to and accepted the condition as “normal,” not realizing that they have been shortchanged.

### III. THE CHALLENGE TO CHANGE

Alice Agogino, University of California-Berkeley, one of the EFC’98 workshop facilitators, said: *“We need different forums to move the 60 percent (beyond the 20 percent that are already working as change agents)”* [26], Forums and the like provide the opportunity and the wherewithal to develop traction to help propel us along the arduous path to commonplace academic acceptance of requisite change. However, the transition from the old to the new paradigm is likely to be quite difficult since the wherewithal to make the change rests mostly with those who oppose the change in the first place. This opposition, coupled with the fact that there is no “one-size-fits-all” transition paradigm, represents the real challenge to change.

Ultimately, deans and their faculty will be critical to successful transitioning; however, as Wulf [25] has stated, *“For the most part our faculty are superb ‘engineering scientists,’ but they are not necessarily folks who know a lot about the practice of engineering.... the current faculty are the folks with the largest say in engineering curriculum. Given this, it should not be a big surprise that industry leaders have been increasingly vocal about their discontent with engineering graduates.”* Furthermore, it is difficult to get the Deans and faculty to understand the compelling need to educate their students in accordance with the new paradigm when their “benefits,” new research funding and derivative prestige, faculty promotion, tenure, honors and corresponding high external rankings, by such as U.S. News & World Report, depend on an infrastructure in which “grantsmanship” is valued over the ability to educate undergraduates. These benefits also provide positive feedback in that “success” attracts more and better researchers, more benefits and a continued lock on their strategy. *“They might claim otherwise, but research universities consider ‘success’ and ‘research productivity’ to be virtually synonymous terms”* [13]. This is yet another example of “you get what you reward!” A balanced strategy would demonstrate a commitment to undergraduate teaching as well as research and be reflected in promotion and tenure decisions. However, the rules of the “zero-sum” game seem to dominate the worldview of those opposed to change, governing the dynamic tension that characterizes most aspects of the research vs. engineering-education struggle – ranging from NSF program budgets to the “pecking order” at our engineering schools, and, for that matter, at award granting organizations.

Apparently, what some of our Deans of Engineering and faculty may not realize is that they are a part of an academic business enterprise, and, as such, when and where appropriate, they ought to think and act as competitive business persons. Information Technology (IT) has changed the “rules-of-the-game,” for the engineering-education business [7, 16, 17, 27, 28]. Competitors are not limited to other universities and colleges. Alternate providers, enabled by IT and the awesome power of networking, can provide anytime, anywhere educational programs (to almost anybody) at relatively lower cost than most, if not all, universities and colleges. According to the Wall Street Journal [29] some \$6 billion in venture capital has flowed into the education sector since 1990 – almost half of it since 1999 when John Chambers, Cisco Systems, claimed that education would be *“the next killer appli-*

cation on the internet,” and what analysts estimate to be a \$250 billion market.

Engineering schools need a decisive competitive advantage over all of their competitors if they are to continue as leading providers of engineering education. A decisive competitive advantage should differentiate the schools from alternative service providers. A competitive advantage in research is not considered sufficient, although it can complement an engineering school’s selected strategy. The education process itself can provide the basis for competitive advantage with graduates providing the real payoff in the marketplace by virtue of a superior selection, education and formation process that takes place in a learning environment engineered for excellence.

This excellence in engineering education would be manifested in instruction, mentoring, role modeling, and guidance that reflect the attributes of the new paradigm, wherein emphasis is placed on communications and leadership skill development, teamwork and close interaction, systems thinking, ecoefficient design, and lifelong learning – learning what to learn and how to learn it. Noam [28], put it another way: *“The strength of the future physical university lies less in pure information and more in college as a community; less in wholesale lecture, and more in individual tutorial; less in Cyber-U and more in Goodbye-Mr.-Chips College.”* It will be of interest to watch the progress at the new Franklin W. Olin College of Engineering as they start “from scratch” to implement the results of Invention 2000, Olin’s two-year effort to fundamentally rethink the way engineers are taught and the way colleges function [46].

Engineering deans and faculty are faced with the academic-institution variant of the innovator’s dilemma [11], manifested by the general challenge of innovation in successful organizations. It seems ironic that those deans and faculty who ardently defend the status quo could be unwittingly undermining the long-term viability of their engineering school in the engineering education marketplace. EFC’98 served as a counter force to this influence, with the participants stepping up to the challenge to change. They did this by sharing their experiences with change at their institutions and focusing on the following three key questions in workshop session:

1. How can we use the challenges of the engineering workplace, ABET Engineering Criteria 2000 and experiences of others to create change at my institution?
2. How can we use information technology and the experiences of others to create change at my institution?
3. What can we do to institute engineering education reform and what is my part in doing this?

EFC’98 Workshop deliberations and conclusions were summarized by Ernst [30] who also assembled and edited a review of references on engineering education for the period 1981-1997 [31]

## IV. PARADIGM SHIFTERS AND SUPPORTERS

### A. Paradigm Shifting Engineering Schools

A number of engineering schools that have made significant changes in their undergraduate programs – on their own, or with the help of NSF and other grants. These changes encompass all or some of the attributes of the new paradigm. Additionally, many schools have developed cross-disciplinary programs involving engineering with: management, manufacturing, medicine, law, political science, biology, and other life sciences. One of the strong points of EFC’98 was the set of presentations, documented in the EFC’98 Proceedings, by the following “paradigm-shifting” engineering schools: Massachusetts Institute of Technology, Harvey Mudd College, Colorado School of Mines, Worcester Polytechnic Institute, Drexel University, Texas A&M University, Rose-Hulman Institute of Technology, Columbia University, and the University of Colorado at Boulder. Each of the presentations illustrated that, given the right circumstances, change is indeed possible. The presentations also reflected on “what works” and revealed innovative approaches to achieving the new paradigm in engineering education. In fact, Eli Fromm, Drexel University was awarded the Inaugural NAE Bernard M. Gordon Prize for the Enhanced Educational Experience for Engineers program that led to the NSF Gateway Engineering Coalition.

Specific actions and new approaches have also been taken at: Georgia Institute of Technology, Mississippi State, Northwestern University, Stanford University, University of Illinois at Urbana-Champaign, University of Notre Dame, University of South Carolina, University of Tennessee at Knoxville, and Virginia Tech. Although by no means exhaustive, the programs at these research universities represent approaches that can be used to accelerate change. A brief description of these programs can be found in *The Challenge to Change* [45]. Still more examples of change are “side-barred” in the *Boyer Commission Report* [13].

## B. NSF Engineering Education Coalitions (EECs)

The goal of the NSF EECs [47] is to stimulate the creation of comprehensive, models for systemic reform of undergraduate engineering education. To accomplish this reform, the eight NSF EECs are developing education tools, curricula, and delivery systems aimed at increasing the successful participation of under-represented groups in engineering education and to improve linkages to K-14 educational institutions. Through cross-coalition collaboration, they have developed intellectual exchange and resource links among undergraduate engineering programs. The NSF EECs were instrumental in realizing nation-wide efforts in improved outcomes assessment of learning and the development of ABET EC 2000. Of the eight NSF EECs, the Foundation Coalition [48] and the Synthesis Coalition [49] are considered representative. The Foundation Coalition was established as an agent of systemic renewal for the engineering educational community while the Synthesis Coalition has a strategy to restructuring engineering education that was driven by parallel reforms in industry practice. Some highlights relative to these two NSF EECs are presented in *The Challenge to Change* [45].

## C. International Engineering Consortium (IEC) Initiatives

A review of the IEC's educational and other programs [50], led to discussions on the potential of web-based environmental education in connection with an educational and environmental initiative [11]. Discussion centered on development of asynchronous-learning resources to provide materials/courseware, similar to the IEC's *ProForums* and *iForums*, that could be used by all engineering schools to provide environmental education for engineering students in every discipline if they elect to do so. In addition, the IEC and the Electrical and Computer Engineering Department Heads Association (ECEDHA) [51] are working together to extend the ProForums into the classroom for all engineering schools. This on-line resource capability could also be used to enrich the student's learning experience in ethics, health & safety, legal and other "real-world" aspects of engineering.

## D. NAE Educational Initiatives

The stated mission of the NAE's Committee on Engineering Education (CEE) is to ensure the vitality and currency of engineering education in the United States. To this end, the CEE has launched, or plans to launch several projects, the following three of which relate to realization of the new paradigm in engineering education [52].

- Engineer of 2020: Visions of Engineering Work and Education in the New Century
- Information Technology in Engineering Education
- A Center for Scholarship in Engineering Education at the NAE

## V. LOOKING FORWARD

The root question, What is an engineering education for? – and its corollary, What is engineering really all about? – should be on the table for an evolutionary debate re: the future of engineering education. What engineering students need to learn and how/where can they best learn it, as well as what engineering schools should teach and how/where can they best teach it are among the "questions" to be considered. The "what" lies at the crux of the matter. It is my view that what is taught and learned at the undergraduate level should include much more than the technically circumscribed material that is sometimes presented in studies of the future of engineering education. Certainly, there are other views and conflicting interests. That is why all stakeholders need to come together to better understand opposing interests and work to evolve the best path forward.

Answers to the "what" questions require an infusion of wisdom, understanding, breakthrough thinking, and perseverance. As evidenced by the set of previous references, considerable thinking and effort has already been put forth. To this infusion can be added the work of still others [32-38]. Perhaps more important will be the voice of industry – one of the prime "customers" of academia. Karl Martersteck, a former vice president at AT&T Bell Laboratories and former president and CEO of ArrayComm, put it this way: *"without forceful input from industry, academia will not be very motivated to institute changes in their engineering curricula. Industry must establish the 'requirements' for the quality and education of the engineers they hire. Unless, and until, major industrial leaders whose views are generally respected speak out and say that they will not hire engineers unless the engineers have the broader 'new paradigm' education, academics will continue to pursue their present course"* [39]. Engineering school advisory boards can serve as voices of industry; however, many existing boards will likely require a restructuring to accomplish this mission.

Eventually, the extant barriers to real progress in the quest to achieve ubiquitous realization of the new paradigm in engineering education will break down. Building on the wealth of knowledge and experience of others, change agents will continue working

to catalyze widespread reform aimed at fundamental change – systemic change that lies well beyond rhetoric and cosmetic experiments. Abundant guidance for this work-in-progress can be found in the *Action Plan* set forth in the ASEE Green Report [4], the NRC Report's *Call to Action* [5], the *Action Agendas* suggested by Peden, Ernst, Prados and Duderstadt [3, 7], the Boyer Commission's *Ten Ways to Change Undergraduate Education* [13], and the Wulf-Fisher *Agenda for Change* [38]. The NSF, ASEE, NAE, ABET, NCSE, as well as industry leaders and forward-looking university faculty and administrations can contribute to the effort – each in their own way. As discussed in *Engineering Education Reform: A Path Forward* [46], the NAE is particularly well positioned to provide leadership by example. Engineering professional societies and forums, Engineering Foundation Conferences, and the IEC can help as facilitators and agents of change.

Although there has been some progress, resistance to change continues, notwithstanding increasing competition from alternate service providers as well as apparent “student-pipeline” and job-security problems that have now been brought to national attention [40-42]. The time is right to initiate a follow-up study, similar to that of the Committee on Evaluation of Engineering Education, coincidentally during the 50th-anniversary year of the formation of the original Committee, appointed by ASEE President S. C. Hollister in May, 1952 and chaired by Linton E. Grinter. The idea of another study, similar to the one that led to the Grinter Report in 1955, is not new. A pathfinder study committee to guide the development and reformation of engineering education was suggested in 1994 by William Grogan and echoed by Irene Peden and John Whinnery in a *Journal of Engineering Education Roundtable* [43]. Most recently, Jerrier Haddad suggested a formal study addressed to the related issue of the significant decline in enrollments for engineering programs [44].

This study would follow through on the assessment effort outlined in the preface of the 1994 Green Report [4]: *“Over the next few years, the ASEE Engineering Deans Council will lead the effort to assess what engineering colleges are doing to affect change, refine the action items of the report, and set milestones for assessing future progress toward their implementation.”* Much has happened in the eight years since the release of the Green Report. Of interest, would be an assessment of the breath and depth of adoption/penetration of the tools and methodologies developed by pace-setting engineering schools and the NSF EECs, and the establishment of an agenda for catalyzing change as well as assessing future progress toward systemic and sustainable engineering education reform. The study would be best conducted by an “arms-length” group working with the benefit of the wealth of knowledge and experience gained over recent years. The charge to the pathfinder group would be: to recommend the course, or courses, that engineering schools should take in order to keep pace with the rapid developments in science, technology, and global affairs and to educate students who will be competent to serve the needs of and provide leadership for engineering and other professions, industry, and government.

## VI. CONCLUDING REMARKS

The introduction of ABET EC 2000 is considered a seminal event on the path to a new paradigm for engineering education. As was seen at EFC'98, a number of engineering schools have made significant changes in their undergraduate programs – on their own, or with the help of NSF and other grants. These changes encompass all, or some, of the attributes of the new paradigm. In addition to these “success stories” a number of other universities and colleges are involved with innovative approaches to change in undergraduate education. Taken together, the proven methodologies and knowledge gained as to what does, and does not work, should make it possible for most engineering schools to tap into and devise revitalization programs that fit the context of their institution, its student body, faculty, and objectives.

Finally, we cannot know exactly what the future will bring; however, we can predict with certainty that engineering schools and engineers will be called upon to satisfy a multiplicity of needs in the years to come. These needs may relate to knowledge and expertise, for example, in more secure and efficient physical facilities and information networks, advanced asynchronous learning systems, earth systems, and ecoefficient design of complex systems. Engineers will not only ponder problems involving new technologies, but world cultures, religions, ethics, and economics as well. They will also be concerned with other unforeseen questions of local, national, or global significance. Commitment to the realization of the new paradigm in engineering education will not only yield renaissance-engineer graduates with the tools to face an unpredictable future with confidence in their abilities, but also yield untold benefits to the world in which they will live. Despite the challenging environment and the difficulties involved, resiliency can be seen in the effort to realize the new paradigm in engineering education – resiliency that is essential in responding to what ought to be considered among the grander challenges of the 21st Century.

## ACKNOWLEDGEMENTS

Many thanks are due all those who contributed to the development of this paper. Ted Bickart, Ed Ernst, and John Prados provided critical reviews of the near final drafts while Tim Trick, Karl Martersteck, and Roger Webb did the same for early drafts. Alice Agogino, Wayne Bennett, John Birge, Steve Carr, Dick Carsello, Lyle Feisel, Eli Fromm, Jerry Haddad, Martin Hellman, Bob Janowiak, Russel Jones, Bruce Kramer, Bill Lindsey, Malcolm McPherson, Irene Peden, Manijeh Razeghi, Jim Roberts, Kay Vaughan, and Jim Vaughan provided valuable insights and encouragement with their commentaries. I also want to thank Mary Leming and the Boyer Commission on Educating Undergraduates in the Research University for helping me reintroduce Ernest L. Boyer's prescient views on undergraduate-education reform to the engineering community. Finally, I want to express my deep gratitude to Professor Ernst who played an important role in my work, as both a mentor and a facilitator, within the academic and engineering accreditation communities.

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NOTE: This paper is under review for publication in the ASEE JEE (Manuscript No. JEE-2002-2068).

# PART III

## ENGINEERING EDUCATION REFORM

### A Path Forward

#### ABSTRACT

A compelling case for engineering education reform has been made over the past 16 years. Although there has been progress, resistance to change continues unabated, notwithstanding the numerous calls for action, increasing competition from alternate service providers, as well as “student-pipeline” and job-security problems. The engineering education reform movement has been clouded by mixed, and sometimes conflicting, messages. This paper identifies this and other core problems impeding progress. The NAE is seen as taking a more active part in engineering education reform – taking action to help identify and resolve some of the vexing problems faced by engineering education reform, and, most important, leading by example.

#### I. BACKGROUND AND INTRODUCTION

A myriad of articles, papers, books, workshop and conference proceedings, and more have made a compelling case for engineering education reform. Among these are the 1994 ASEE Green Report [1], the 1995 NRC BEEed Report [2], and recent calls for change by the NAE leadership, President, William F. Wulf and Chairman, George M. C. Fisher [3, 4]. Working together, then NAE Chairman Norman Augustine and MIT President Charles Vest, led the effort behind the formulation of the authoritative ASEE and NRC reports. In fact, Vest chaired the NRC’s Report Review Committee while Augustine wrote the Foreword for the NRC BEEed Report, wherein, he agreed with the report’s conclusion: “...that, in many areas, major change in the engineering education system is indeed necessary if it is to meet the needs of the nation and the world in the coming century.” [2, p vii].

Although there has been progress, resistance to change continues unabated, notwithstanding the numerous calls for action, increasing competition from alternate service providers, as well as “student-pipeline” and job-security problems that have been brought to national attention. There appears to be no clear path forward and an apparent absence of focused, action-oriented leadership. Additionally, recent times have seen the engineering education reform movement clouded by mixed, and sometimes conflicting, messages, for example:

- An assessment effort was outlined in the preface of the 1994 ASEE Green Report as follows: “Over the next few years, the ASEE Engineering Deans Council will lead the effort to assess what engineering colleges are doing to affect change, refine the action items of the report, and set milestones for assessing future progress toward their implementation” [1, p 1]. The follow-up assessment effort was never implemented.
- The epilogue of the NRC BEEed Report opens with: “The BEEed is well aware that major changes in large, decentralized systems, such as the engineering education system, are seldom realized as a direct consequence of a single stimulus such as this report. Rather, such changes usually reflect a gradual shifting of opinions, attitudes, and practices arising from a recognition and clearer understanding of new external conditions and concomitant new internal needs and emphases.” [2, p 55]. True enough, but, to some, in contrast to the tone set in the Foreword and main body of the report, the words could be interpreted as a disclaimer or “escape clause” – providing a pass on implementing change, saying, in effect, that there need be no sense of urgency about engineering education reform. The statement could also be interpreted as a hedge – cautioning against unrealistic expectations, such as the timely adoption of the needed changes in engineering education spelled out in the main body of the report.
- One purpose of the 1998 Engineering Foundation Conference – *Realizing the New Paradigm for Engineering Education* – was to highlight a new program, *Action Agenda for Systemic Engineering Education Reform*, that stemmed from recommendations made at a July 1995 workshop convened by the Engineering Directorate of the National Science Foundation [5]. This new program was to be administered through the NSF Engineering Directorate, and was to encourage proposals to this program from the engineering education community. Following the conference, changes at the NSF Engineering Directorate led to changes in programmatic emphasis, and the Action Agenda Program was discontinued after the first two rounds of awards.
- “Thus if engineering education does not change significantly, and soon, things will only get worse over time. The problem has now been studied to death, and the solution is clear. So let’s get on with it. It’s urgent that we do so,” said Wulf and Fisher in the latest published word on the emphasis to be placed on engineering education reform [3].

\* The philosopher Alfred North Whitehead remarked, “*The task of the university is the creation of the future, so far as rational thought, and civilized modes of appreciation, can affect the issue.*” In a recent article, Stanley Katz used this remark to initiate his questioning the role of the modern university. “*But for many of today’s academics, rationality is in question, civilization is anathema, and universities have not created, for themselves or for their societies, the future Whitehead envisaged. What, then, are we about? If, as Stanley O. Ikenberry, former president of the American Council of Education, has claimed, American universities are ‘at the top of their game,’ then just what game are they playing, and what’s the prize?*” [6]

Although it was most encouraging to see the Wulf-Fisher statement, and Wulf’s strong reiteration of this message at the 2002 ASEE Annual Conference this past June [4], the previous events and statements sent disquieting messages of equivocation to those who have worked, and are still working, in the engineering education reform movement, and who might have expected much more rapid progress after the publication and widespread promulgation of the ASEE and NRC reports than was seen up through 1995. It is troubling not to see the development of a shared sense of purpose within the engineering education community since the publication of the 1986 NRC Report on Engineering Undergraduate Education [7]. It is also troubling to see that this sense of purpose must be developed within university communities that are in need of transformation themselves [8] – university communities that are very likely not “at the top of their game” as seen by Katz.

Change continues to proceed at geologic speed despite the ardent efforts of Augustine, Vest and many others during the mid-1990s. Why might this be so and what might be done to accelerate the pace of change? These are obvious questions, the answers to which are complex and institution dependent, not amenable to a one-size-fits-all resolution. Nonetheless, after a brief discussion of interrelated problems, a path forward is proposed in the following. The NAE is seen as playing a major role – taking a more active part in engineering education reform than heretofore – unequivocally demonstrating that: “it is strongly committed to moving engineering education’s center of gravity to a position relevant to the needs of 21st-century society” [3]. This means moving beyond the present set of Academy programs in this area [3, 4] to a new level – taking action to help identify and resolve some of the vexing problems impeding progress in engineering education reform, and, most important, leading by example.

## II. ENGINEERING EDUCATION REFORM: SOME CORE PROBLEMS

According to the Boyer Commission: “...universities too often continue to behave with complacency, indifference, or forgetfulness toward that constituency whose support is vital to the academic enterprise” [9, p 37]. There is much more behind the reticence of some of our engineering schools to adopt change than complacency, indifference, forgetfulness, and even the routine resistance to change that characterizes organizations and institutions that consider themselves “successful” in doing what they are currently doing. In fact, there are powerful interrelated counter-reform forces at work, or, put another way, interdependent forces that work to maintain the status quo. Engineering education reform is at least partially dependent on the resolution of some of the interrelated problems; of these, the following are considered core problems:

### A. Academic Resistance to Change

In the academic variant of the “innovator’s dilemma” [10, p 448], many of our research-intensive universities, faced with enormous financial pressure, struggle to maintain and grow the (largely) government-fueled, resource-intensive infrastructure created to pursue their research missions [6, 8]. Apparently, it is their view that they cannot afford to invest human and physical resources in undergraduate engineering education reform where they perceive little, if any, near-term gain in the way of financial rewards or other payoffs that will help support their primary research mission.

Additionally, a generation or more of faculty members have been hired and promoted at many of our research-intensive institutions primarily because of their strengths in research and “grantsmanship.” Relative to undergraduate teaching, many of these faculty members consider research to be inherently more personally fulfilling, more valuable to the profession and society, and more rewarding in terms of awards, prestige, and honors – including potential for election to the NAE. Additionally, the continued presence of faculty unions may hamper efforts to change faculty incentive systems [2, p 32].

The deans, faculty, and administrations who oppose change could be unwittingly undermining the long-term viability of their engineering schools in the engineering education marketplace. It is not surprising, that opposition to change can come from some of the contributors to the NRC study – not surprising, since most people ultimately act in what they see as their near-term, vested self-interest.



## B. Academic Resistance to ABET Oversight and Accountability

The NRC BEEed Report contains the following recommended action: “*The Engineering Dean’s Council or other appropriate group should continue working cooperatively with the Accreditation Board for Engineering and Technology in its reassessment of accreditation criteria in accordance with the types of changes suggested in this report and implemented in response to current and future needs in engineering education*” [2, p 53]. The types of changes suggested in the NRC BEEed Report, are not likely to take place in most engineering school curricula without a forcing function such as the ABET criteria. Unfortunately, the very mention of ABET to engineering administrators and faculty often brings out powerful negative emotions and the perception of an imposed solution – an automatic trigger for opposition. ABET also brings to the table problems related to perceptions of remnant “bean counting” and an almost insatiable appetite for data. Based on their past experience and deep-seated, bad, memories of ABET’s old bean-counting ways, it should come as no surprise that a good number of the schools tend to look past the merits and opportunities related to change. They will likely view any potential change in ABET EC 2000 as a precedent-setting threat to their academic autonomy and a first step on the “slippery slope” to the return of ABET bean-counting “with different colored beans.”

To find an example that illustrates contrary behavior and the strong opposition that can be mounted against the types of changes suggested in the NRC BEEed Report, one need look no further than a January 2002 request for endorsements of a proposed one-word change to ABET EC 2000 – adding the word environmental to Criterion 3f [10, p 448]. Academic opposition to the proposed change seemed based on ABET involvement in the process, rather than on the substance of the proposal.

Further to the point, consider an “ideal-world” process wherein engineering schools, after a self assessment of their missions, decided to incorporate changes recommended in the NRC BEEed Report that are appropriate to their stated missions. In other words, each school exercised its freedom to devise a revitalization program that fits the context of their institution, their student body, faculty, and objectives. To assure that the schools are doing what they said they would do, suppose that the expected outcomes of their programs are gauged by the ABET EC 2000 process relative to the school’s goals. Experience teaches that, under present, real-world circumstances, it is not likely that this ideal process will ever be implemented. It is only “natural” that the faculty will resist additional workloads for which there is little, if anything, in the way of rewards or recognition. Aside from “doing the right thing” for their undergraduate engineering students, they have little incentive to do otherwise.

The apparent opposition-to-reform strategy is to treat ABET in an adversarial manner, providing as little support as possible – reflecting the short-term, operational advantage attendant to a “weak” oversight function and the low value placed on activities that are not related to the school’s research mission. The adversarial relationship between some of our leading engineering schools and ABET is considered one of the more vexing problems impeding progress in engineering education reform.

## C. Academic Resistance to Electing Qualified Engineering Educators to the NAE

When considering resistance to change at various levels of the academic enterprise, the real issue is not whether research is favored over teaching, but how best to tie research to teaching in the most productive way, or, to redefine research to include teaching [11, p 23]. However, the recent history of engineering education reform suggests that the rules of the “zero-sum” game dominate the mentality of those opposed to change and governs the dynamic tension that characterizes all aspects of the engineering-research vs. engineering-education-practitioner struggle – from NSF program budgets to the “pecking order” at our engineering schools, and, for that matter at the NAE.

The predominance of engineer-researcher NAE members, appears to provide strong positive feedback, via engineering-school rankings by US News and World Report (USNWR), promotion and tenure decisions, and various other “reward and recognition” mechanisms, that works to maintain the status quo in engineering education at our research-intensive engineering schools as well as at the many schools that are using these research-intensive schools as models for “success.” Put another way, NAE focus on the election of its members on the basis of individual engineering-research contributions provides an indirect, but tight, constraint on the changes urged by a number of individuals, study committees and boards, including those in the ASEE and NRC reports [1, 2] and those espoused by current NAE leaders [3, 4].

The dearth of prestigious, national-level, rewards and recognition for high-quality contributions to engineering education – particularly, election to membership in the NAE – is considered to be one the root causes for the slow and halting progress of systemic engineering education reform. The problem stems from the relatively low value placed on undergraduate engineering education by many engineer-researchers, and the institutions that profit from their contributions. It is likely that some academic institutions will not want to “waste” effort and political capital, as well as risk missing a possible increase in USNWR rankings, on candidates from a present-day “who cares” area with relatively low-payoff in terms of prestige and peer recognition.

Additionally, there are a number of special people in engineering education – they form a veritable “who’s who” of individuals who have distinguished themselves by high-quality contributions in this area. The fact that educators of such high-caliber are not members of the NAE stands as a salient challenge to the credibility of the NAE re: the value the Academy, as a whole, places on high-quality contributions to engineering education. Most likely, such eminently distinguished engineering educators will not be considered “worthy” of NAE membership by the majority of electing NAE members so long as: 1) Noteworthy contributions to the field of engineering education are thought of as merely supplemental to the primary qualifications of: important contributions to engineering theory, practice, and literature, and/or demonstration of unusual accomplishments in the pioneering of new and developing fields of technology; and 2) Engineering education is not considered as a principal branch of engineering activity with an assigned NAE engineering category/section and associated peer-review committee.

It is understood that education is already in the NAE nomination and membership criteria, just as it is in all the Academic Faculty Codes. So, simply putting in writing that it is a valid reason to nominate and elect will likely do as much good within the NAE as it does with faculty merit criteria at engineering-school promotion and tenure committee meetings. That is why the second item is essential so as to help assure that engineering education receives significant attention from some of the best minds in the engineering community. Perhaps a few of these should, and would, make the dominant part of their contribution to engineering education. Also, there is something of value about significant contributions to the engineering literature, where appropriate. Perhaps it is not well known in the academic-scientific-research community that the ASEE Journal of Engineering Education and the IEEE Transactions on Engineering Education are peer reviewed and archived publications.

So long as the NAE continues to elect its members the way it does, it will perpetuate the status quo, or, as Roderick G. W. Chu put it: *“If you keep doing what you have always done, you’re going to get what you always got”* [12]. Ernest Boyer also said it well: *“...the time has come to move beyond the tired old ‘teaching versus research debate’ and give the familiar and honorable term ‘scholarship’ a broader, more capricious meaning, one that brings legitimacy to the full scope of academic work”* [11, p 16]. All things considered, what seems to be required is some “out-of-the-box” thinking and doing.

### III. AN OUTLINE FOR A PATH FORWARD

It would appear that the task before us is to enlighten the various stakeholders in engineering education. Specifically, we need to show that the (remarkably consistent) changes recommended by Wulf and Fisher, the ASEE and NRC reports [1-4], as well as other related reports and papers, are not only feasible, but that it is in the current and future self interest of our engineering schools to embrace the changes appropriate to the context of their institution, its student body, faculty, and objectives. The NAE can play a major role in this enlightenment by placing its imprimatur on the changes recommended in the ASEE Green and NRC BEEed reports and by providing unequivocal and visible demonstrations *“that the Academy attaches great value to creative work in engineering education and wishes to acknowledge and spread the best ideas”* [3]. Some suggested avenues of approach are as follows:

#### A. Academic Institution and Faculty Path

A primary objective of the 1998 Engineering Foundation Conference was to examine what were then thought to be some of the best undergraduate engineering programs [13]. This examination provided an outline for the development of several structural models that incorporated the requisites for implementing and maintaining “good” programs. A complementary set of models was added by Splitt [14]. The next step involves making it attractive for schools to commit themselves to change from what they do now to something approaching an appropriate one of the models. In view of increasing competition and advanced technology delivery systems, Splitt [14] argues that it is in the long-term-economic self interest of our engineering schools to cope with the upcoming shift in the engineering education marketplace by implementing programs that reflect change, such as those outlined in the NRC/BEEed Report. This may very well be one of those problems where anecdotal and inferential evidence is all that we will have; where once the shift in arrives in force, it will be too late for the schools to deal with it – the market will have already decided. Nevertheless, it is suggested that the NAE can play an important role via a substantive study of the economic threat to the future of our research-intensive engineering schools.

Achieving and maintaining the needed changes in academic culture is a long-term effort. It requires the identification, support, and nurturing of change agents in engineering schools across the country. A related issue appears to be maintaining sustained administrative support for change. Engineering deans cannot realistically mandate a culture change, but they can set a tone and

use their limited discretionary funds to help assure that change is not stifled when it appears. Again, we need to assure that engineering education receives significant attention from some of the best minds in the engineering community. Those that make innovative undergraduate engineering education the dominant part of their contribution will do much to improve student retention and encourage graduate study, to the ultimate benefit of the academic research community. It is suggested that the subject of engineering-school enlightenment in these, and other areas such as student enrollment and retention, and practitioner job security, be considered as study topics for NAE working committees – including, with the study deliverables, a related list of actions that could be taken to catalyze change and continuous improvement.

## B. ABET Related Path

Resistance to ABET oversight and accountability notwithstanding, the outcomes based structure of ABET EC 2000 appears to provide the key for change and for keeping the change fresh on a program-by-program basis. A strong, credible, and respected ABET organization can play an essential role in the realization of systemic engineering education reform. The NAE can facilitate the development of these attributes by not only working with ABET, but also by encouraging engineering schools to do so as well. Furthermore, NAE leaders can encourage the ASEE Engineering Dean's Council, engineering professional societies, and other appropriate groups to follow the 1995 NRC/BEEEd Report recommendation to work cooperatively with ABET in its reassessment of accreditation criteria in accordance with the types of changes suggested in the report and implemented in response to current and future needs in engineering education. The NAE can also work to: 1) Determine better ways (than ABET-related) to stress (to engineering students) that environmental and other “non-technical” factors covered in the NRC/BEEEd Report are very important to consider up front in engineering design and that engineers have an important social responsibility; and 2) Study ways and mechanisms aimed at the resolution of ABET-related issues and problems.

In the likely ongoing process of evaluating the relative priorities of NAE engineering education initiatives, consideration might be given to leveraging the NAE's connection with the ASEE Engineering Deans Council to encourage the Deans to express their ABET-related concerns and to offer ABET-free alternative solutions to introducing the changes recommended in the NRC BEEEd Report at their engineering schools. If it is the view of an engineering school that utilizing ABET Criteria is not the best way to introduce these changes, they could be asked to provide their thoughts and suggestions as to better ways – and, to the specific ways their school would be willing to commit to an implementation schedule.

## C. A Path for Electing Qualified Engineering Educators to the NAE

With reference to the discussion of academic resistance to electing qualified engineering educators to the NAE, NAE President Wulf has advised, via personal communications, that the new criteria have been adopted as stated in the following excerpt from the Wulf-Fisher paper [3]: *“First, we've reaffirmed that high-quality contributions to engineering education are a valid reason for election to the NAE. This criterion makes it clear that people's creativity and excellence in engineering education can be rewarded in the same ways as outstanding technological contributions.”* This is an encouraging first step. However, as implied in the previous section, simply putting in writing that it is a valid reason to nominate and elect candidates for the NAE is a necessary, but not sufficient, condition to assure a sustainable election process for worthy candidates in engineering education.

Boyer's definition of scholarly activity [11, p 16] and the NRC BEEEd Report's expanded working definition of scholarship [2, p 46], provide further rationale for recognizing engineering education as a principal branch of NAE engineering activity, and alignment of the NAE with this recognition as a priority activity. It would seem that this would be a straightforward approach to the resolution of the credibility problem, as well as the taking of a big step in addressing the larger problem of academic rewards and recognition. This move to inclusiveness would focus the attention of the academic community on the high value the NAE places on engineering education. It is the linchpin of an overall strategy aimed at breaking down the extant barriers to more rapid progress in engineering education reform and assuring the technical health of our nation.

## IV. PROGNOSIS

The suggested action items outlined above can be summarized as follows: 1) Recognize engineering education as a principal branch of engineering activity and align the NAE with this recognition as a priority activity; 2) Encourage the development of a strong, credible, and respected ABET organization; and, 3) Conduct substantive studies aimed at problem identification/resolution and engineering-school enlightenment as to the long-term benefits, to the school and its ultimate customers, of implement-

ing changes appropriate to the context of their institution, its student body, faculty, and objectives. So what might we expect in the way of outcomes?

Many billions of dollars have funded the mission shift of many of our engineering schools from teaching and service to research. Consequently, it is expected that consideration of the suggested NAE initiatives, particularly, the inclusion of engineering education as a principal branch of engineering activity, would be an emotionally wrenching issue and give rise to a tough debate. The debate should reveal how deeply the value placed on educational contributions by the NAE leadership has penetrated the majority of current NAE members, some of whom are part of the group of faculty members that have been hired and promoted primarily on the basis of their research strengths. These academic-engineering researchers will likely opt for exclusiveness and oppose a move toward inclusiveness. It will require a profound change in attitudes, demanding much more than statements by NAE leaders, to overcome what may very well be a deeply embedded culture of engineering-researcher elitism.

When speaking of the difficulty in responding to change at our colleges and universities, James Duderstadt provided insights that, to some degree, are applicable to change at the NAE: *"It may be necessary to drive an organization toward instability, toward chaos, in order to shift it from one paradigm to the next. Sometimes this happens naturally as external forces drive an organization into crisis, sometimes it results from the actions of a few revolutionaries, and sometimes it even happens through leadership, although as Machiavelli observed, it is rarely well received by those within the organization"* [8, p 268].

To put the issue in perspective, one need consider lost-opportunity costs. Most likely, the suggested initiatives would have a ripple effect beyond measure – enabling the breakdown of extant barriers to engineering education reform. With so much to be gained in benefits and apparently nothing of real consequence to be lost, follow up on the suggested initiative would be well worth a serious and intensive effort. Absent a dedicated effort, it is very likely that the status quo will prevail, leaving engineering education reform to founder. However, there is reason for optimism. With appropriate education, management, care and the good will of those who have the means to influence the process, in due course opponents of change, defenders of the status quo, will be enlightened and proceed to act in their enlightened self interest. The NAE culture will change so that it will be possible for the NAE to become proactive in engineering education reform and for exemplary contributors to engineering education to be elected to the Academy on a sustainable basis. In turn, this will catalyze change in academe and accelerate the pace of systemic engineering education reform.

## V. CONCLUSION

The formidable challenge to change in our engineering education system demands no less than a formidable and coordinated response as well as able and respected leadership. The NAE has the wherewithal and is well positioned to provide this response, as well as to provide requisite leadership by example. It would be a credit to the NAE, and a boon to engineering education reform/revitalization, if the NAE would work to implement the suggested initiatives. These initiatives could very well provide the breakthrough that, over time, would enable the widespread implementation of the changes needed in the engineering education system – helping to motivate and mobilize the stakeholders in engineering education to address the challenge to change. The stakeholders – academic administrators and faculty members, government policy makers and agency program managers, and professional society as well as industry leaders – should see this as clarion call to action on their parts as well. As stated in the epilogue of the NRC BEEed Report: *"The education of this nation's engineers deserves no less"* [2, p 55].

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## AUTHOR'S BIOGRAPHY

Frank G. Splitt received a BSEE from the Fournier Institute of Technology in 1952 and an MS and Ph.D. in Electrical and Computer Engineering from Northwestern University in 1957 and 1963, respectively. He is the McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. As a Director of the International Engineering Consortium, he chaired the Consortium's Committee on the Future and currently chairs its Fellow Awards Committee. He was also a member of the Accreditation Board for Engineering and Technology (ABET) Industry Advisory Council, the Institute of Electrical and Electronic Engineers (IEEE) Educational Activities Board, and a member of the IEEE Corporate Recognitions Committee. His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs. He is a Fellow of the International Engineering Consortium, a Life Fellow of the Institute of Electrical and Electronic Engineers, and an Eminent Engineer of Tau Beta Pi. His interests involve research and planning for the future of Engineering Education and environmental conservation. He and his wife Judy reside in Mt. Prospect, Illinois and in Star Lake, Wisconsin.

Address: McCormick School of Engineering and Applied Science, Northwestern University, Evanston, Illinois 60208;  
 telephone: (+1) 847-253-1511; e-mail: [fgsplitt@ece.northwestern.edu](mailto:fgsplitt@ece.northwestern.edu); url: [www.ece.northwestern.edu/EXTERNAL/Splitt/](http://www.ece.northwestern.edu/EXTERNAL/Splitt/)



**International Engineering Consortium**

549 West Randolph Street, Suite 600  
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## **PART 4: 2003**

### **ESSAYS & COMMENTARIES: 2003**

1. Systemic Engineering Education Reform: It's About Time
2. Reclaiming Academic Primacy in Higher Education: A Brief  
Working for Reform in Intercollegiate Athletics and Engineering Education





# **SYSTEMIC ENGINEERING EDUCATION REFORM: IT'S ABOUT TIME**

**With Appended References:**

**“Systemic Engineering Education Reform: A Grand Challenge” and  
“Commentaries on the SEER Campaign”**

**March 16, 2003 Plenary Address by**

**Frank G. Splitt  
McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science**



**NORTHWESTERN  
UNIVERSITY**

***SHARE THE FUTURE IV CONFERENCE***

**Sponsored by: The National Science Foundation and It's Gateway, Greenfield,  
Foundation and SUCCEED Engineering Education Coalitions**

*“The convergence of technological and liberal-arts education is a deep, long-term, and irreversible trend. Students need to be prepared for life in a world where technological, scientific, humanistic, and social issues are all mixed together. Such mixing will not take place if students have to decide from the outset that they are attending an "engineering school" as opposed to a "nonengineering school." No matter how excellent the engineering school, and no matter how racially and ethnically diverse, if it attracts mainly faculty members and students who gravitate toward the technical problem-solving approach, then those students have an education that does not prepare them well for life experience. Students need to be educated in an environment where they get used to justifying and explaining their approach to solving problems and also to dealing with people who have other ways of defining and solving problems. Only a hybrid educational environment will prepare engineering students for handling technoscientific life in a hybrid world.” – Rosalind Williams*

Reference: “Education for the Profession Formerly Known as Engineering,” *The Chronicle of Higher Education*, January 24, 2003; the article was adapted from *Retooling: A Historian Confronts Technological Change*, MIT Press, 2002.

Northwestern University  
McCormick School of Engineering and Applied Sciences  
Evanston, Illinois 60208-3100  
e-mail: fgsplitt@ece.northwestern.edu;  
URL: [www.ece.northwestern.edu/EXTERNAL/Splitt/](http://www.ece.northwestern.edu/EXTERNAL/Splitt/)

## OVERVIEW

A myriad of articles, papers, books, workshops and conferences have made a compelling case for systemic engineering education reform and a new paradigm for engineering education. The new paradigm goes beyond the need to keep students at the cutting edge of technology and calls for a better balance in the various areas of engineering school scholarship. Commitment to the realization of the new paradigm will yield renaissance-engineer graduates with the tools to face an unpredictable future with confidence in their abilities and yield untold benefits to the world in which they will live.

Although there has been progress, resistance to change continues unabated, in spite of the numerous calls for action, increasing competition from alternate service providers, as well as student-pipeline and job-security issues. A survey conducted by the Boyer Commission indicated that research universities have invested considerable effort in improving undergraduate education in recent years, but it also suggests that most efforts have been directed at the best students.

Achieving change via engineering education reform presents a formidable challenge, given academe's bias toward preservation of the status quo, in which publications and research funding drive rewards and recognition. This is a complex age of rapid change in which different points of view and conflicting interests characterize the stakeholders who often resemble disconnected parties. Recent times have seen no clear path forward and an apparent absence of focused, action-oriented leadership. Also, the engineering education reform movement has been clouded by mixed, and sometimes disquieting, messages of equivocation that could be interpreted as saying that there need be no sense of urgency about engineering education reform. So systemic change continues to proceed at geologic speed.

Although most change unfolds gradually, this seems to be a time when conditions are right to create a breakthrough – to tip the scales. After providing a brief historical background on engineering education reform, this presentation, via a sequence of story-telling viewgraphs, summarizes related barriers to change, presents background on the diffusion of innovations, and summarizes the current status of various reform efforts aimed at accelerating the pace of change—in particular, diffusing the idea of systemic reform via a Campaign for Systemic Engineering Education Reform (SEER). The SEER Campaign is international in scope, but with primary focus on undergraduate programs in the United States – aiming to provide students with significantly better preparation for the 21st-century engineering workplace and to help attract and retain more of the "best and brightest" students on campus as well as involve some of the best minds among our faculty. All of this is expected through the realization of the new paradigm for engineering education. Some additional background on the SEER Campaign follows.

It is believed that pacesetter engineering schools, engineering department heads associations, societies, and organizations, as well as government and business leaders can play significant roles in bringing this reform about. The reform effort is all about educating the stakeholders and motivating them to play their respective roles. To this end, the International Engineering Consortium sponsored a publication titled: "*Engineering Education Reform: A Trilogy*" as a service to academia, government, and industry. The *Trilogy* is now serving as the SEER Campaign white paper. Distribution of the *Trilogy* and discussion of its aims has been planned for the various stakeholders in the future of engineering education – including, but not limited to: academic administrators, faculty, students, parents, professional societies, as well as industry and government leaders. This distribution represents a crosscutting, bottom-up/topdown approach to promoting debate of the issues surrounding systemic engineering education reform. Thus far, contact has been made with all of the organizations listed on p. 11.

It is expected that readers of the *Trilogy* will be able to use the publication to raise awareness of the issues surrounding systemic engineering education reform as well as "what works" and "what could work." This awareness can lead to campus actions that will stimulate stakeholders in engineering education to support an overall effort to nurture change leading to this reform. An upcoming article for THE BENT of Tau Beta Pi encapsulates important aspects of the *Trilogy*. Titled, *Systemic Engineering*

*Education Reform: A Grand Challenge*, the article will provide an introduction to the SEER Campaign to some 90,000 members of the Tau Beta Pi engineering honor society. For the most part, this presentation is based on the material contained in the BENT article and the *Trilogy*.

The title of this presentation, “*Systemic Engineering Education Reform: It’s About Time*” calls attention to the time dimension of reform efforts. The element of time enters into the SEER Campaign in several ways. First and foremost, it has been a long time since a downside to the post-Sputnik era was realized – when more money for research became available to academia than ever before and universities adapted and evolved into today’s research institutions; and as Irene Peden stated in the Foreword to the *Trilogy*: “Faculty success is now judged by production of new knowledge, publication in the ‘right’ journals, and procurement of outside funding.”

How long has it been since the realization of the downside? The answer is really unknowable, but it is known that for over the past 20 years or more, there have been varying degrees of effort directed toward systemic reform. My personal involvement spans 17 years – others like Irene, Eleanor Baum, Joe Bordogna, Ed Ernst, Eli Fromm, Jerry Haddad, and John Prados have been involved even longer. So, this reform movement is not a new thing, and however glacial, progress has been made over the years. But exactly where are we on the journey? An encouraging answer – we may be getting close to a big change. Here’s why.

There are about 300 engineering schools and 1500 disciplinary programs – spanning Chemical, Civil, Electrical, Mechanical, and other disciplines. Ed Ernst conjectures that 80 percent of the schools and the programs remain “unreformed.” The bright side to this conjecture is that twenty percent of the schools/programs are reformed or are reformed to some extent. If only approximately true, we may finally be at, or getting close to, a critical point, Rogers’ 20-percent “takeoff point” where the number of reformed schools/programs will begin to increase at a more rapid rate – growing beyond innovators and early adopters. The 20 percent threshold comes from the study of a large number of innovations by Everett M. Rogers who found that once an innovation is accepted by about 15 to 20 percent of the total involved population, it begins to takeoff and cannot be stopped.

The operating strategy for the SEER Campaign is to work to accelerate diffusion of the idea of systemic engineering education reform – to tip the diffusion process at this opportune time – by the widespread promulgation of the ideas related to systemic reform via massive networking. The aim is to move stakeholders to awareness-to-understanding-to-commitment-to-action. This should decrease the time to avalanche or, equivalently, to Malcolm Gladwell’s “tipping point” – described in his recent popular book on the subject of how new ideas get introduced and achieve widespread acceptance.

Finally, the following viewgraphs represent an “upgrade” as they have been annotated to record references, links, contacts and other information mentioned during the presentation at the plenary session on March 16, 2003. It is hoped that they will be of help to the reader in spreading the word to colleagues, students, industrial advisory boards, professional societies, and others as time and circumstances permit.

Frank G. Splitt  
March 22, 2003

***“What must underlie successful epidemics, in the end, is a bedrock belief that change is possible, that people can radically transform their behavior or beliefs in the face of the right kind of impetus.”***

**– Malcolm Gladwell, *The Tipping Point***

# SYSTEMIC ENGINEERING EDUCATION REFORM (SEER): IT'S ABOUT TIME

## TOPICS

- ❑ PREFATORY REMARKS
- ❑ INTRODUCTION – WHY THIS? WHY THIS NOW?
- ❑ PERSPECTIVES – REFERENCES
- ❑ BARRIERS TO CHANGE
- ❑ DIFFUSION OF INNOVATIONS – BACKGROUND
- ❑ SURMOUNTING THE BARRIERS TO CHANGE
- ❑ THE PATH FORWARD – WHAT TO DO
- ❑ THE UPSHOT AND A LOOK FORWARD

**“Now! Now!” cried the Queen.  
“Faster! Faster!”  
Lewis Carroll**

### Background Documents:

SYSTEMIC ENGINEERING EDUCATION REFORM: A  
Grand Challenge

ENGINEERING EDUCATION REFORM: A Trilogy

CREATING OUR COMMON FUTURE: Reflections on the  
Four Es – Environment, Education, Energy and Economics

SUSTAINABLE DEVELOPMENT

fgsplitt@ece.northwestern.edu

*“Perhaps the sentiments contained in the following pages, are not sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason.” – Thomas Paine, Common Sense, 1776*

## PREFATORY REMARKS

“Nothing is what it seems.” – *The Recruit*

### STANDING ON THE SHOULDERS OF:

Joe Bordogna, Jim Duderstadt, Ed Ernst,  
Jerry Haddad, Irene Peden, John Prados,  
and the late Ernest Boyer, Jerry Cohen,  
and Arthur J. Schmitt.

### A PLENARY ADDRESS, BUT REALLY THE TELLING OF A STORY....

Hopefully, a story that is found to be not only compelling, persuasive, and inspiring, but actionable in most circumstances – providing motivation to make a commitment to spread the word and help bring about requisite change in engineering education.

## ENGINEERING EDUCATION REFORM: A Trilogy

### DEDICATION

*This publication is dedicated to the memory of the late Arthur J. Schmitt, the inventive industrialist who founded the Ampenol Corporation in 1932 and the philanthropist who founded the Arthur J. Schmitt Foundation in 1941. Concerned that engineers were being too narrowly educated and that industrial leadership was going by default to those with backgrounds in general education, he became the educational innovator who founded the Fournier Institute of Technology in 1943. Mr. Schmitt's quest was for leadership. His aim was to provide effective industrial leadership via electrical engineers skilled not only in their profession, but in business administration and communications as well. His vehicle was education. Mr. Schmitt often paid tribute to America's engineering genius and cited the importance of engineers in America's future. He believed there was no field with richer rewards, none more intriguing, and none more important to the growth and defense of our nation. His mission continues through the work of the Arthur J. Schmitt Foundation.*



Arthur J. Schmitt  
(Photo courtesy of the Arthur J. Schmitt Foundation)

For more on Arthur J. Schmitt, see Schaefer, Arthur J., *Quest for Leadership: The Arthur J. Schmitt Story*, Cathedral Publishing, Chicago, IL.

# INTRODUCTION – WHY THIS? WHY THIS NOW?

- **BEHIND THE SCENES – The Wisconsin Lakes Trilogy, Chris Earnshaw, Janet Rutledge and Sheri Sheppard;**
- **THE NEW REALITY – A Call for Leadership;**
- **BREAKTHROUGH – Insights and More via the Beyond War Foundation, Jonas Salk, Marty Hellman, Donella Meadows, and Everett Rogers;**
- **CREATING OUR COMMON FUTURE – A Guide for Vectoring Forward, The International Engineering Consortium.**

The International Engineering Consortium sponsored the publication of this trilogy as a public service in support of an environmental initiative represented by Wisconsin Department of Natural Resources Planning Grant Programs. Most importantly, this environmental initiative triggered follow-up activities that eventually led to the SEER Campaign.

## WISCONSIN LAKES: A Trilogy

**WISCONSIN LAKES: Challenges and Responses**  
**WINTERKILL: Loss and Recovery**  
**IRVING LAKE: A Wild Rice and Shallow Lake Story**

Frank G. Splitt

Ballard-Irving-White Birch Lakes Association, Inc.

December 1, 2000

Wisconsin Lake Management Planning Project Grant Program: Project Nos. LPL-602 and LPL-613

# The New Reality . . . A Call for Leadership

by Dr. Frank G. Splitt, *Illinois Alpha '52*

**I**T HAS BEEN 38 YEARS since I graduated with a B.S.E.E. Imagine 38 years spent in the engineering profession! To place this time span in a historical context, 1948, the year that I began my college studies, was the same year that Bell Telephone Laboratories announced the development of the transistor and Claude E. Shannon, *Michigan Gamma '36*, again of Bell Labs, published his classic paper, "The Mathematical Theory of Communication." Taken together, these two events have had a profound influence on my professional life, as well as on the lives of countless others.

The technology associated with engineering has indeed been exciting to live with . . . an exhilarating experience, to say the least. Surprisingly, to some, engineering has also introduced me to the most articulate, enthusiastic, and positive people I've ever met. I give engineering credit for teaching me to think simply and more clearly . . . and to communicate briefly, but to the point.

The competitive world of new product development demands disciplined, strategic thinking that helps prioritize and perspective to our ideas. Each year, industry expands untold time, energy, and money in the strategic planning process. When you think about it, most companies usually have a lot of questions in mind. Remember:

1. "What has the market . . . type?"
2. Where could market . . . reach?
3. How can this product be manufactured?
4. Is the product getting better?

These four questions are so important that they could apply to many things. As a matter of fact, we have applied them to the seminars sponsored by the National Engineering Consortium. You could even apply them to your life. If you consider yourself a product currently under development. For the sake of discussion, think of yourselves as new products under development with Product Launch of New and Improved Graduates into the Information Age Marketplace scheduled in the next year or so. Again, for the sake of discussion, let's think about how you can be sold as a new product. That brings us to the first of these four questions:

### What Has the Market Been for Products of Your Type?

Well, you have been living in America . . . the oldest continuous democracy in history, where according to a *TIME* cover story on ethics, . . . hypocrisy, betrayal, and greed unsettle the nation's soul.

On November 2, 1990, "Hall of Shame" titled the *Wall Street Journal's* lead article that described how a host of professionals paved the way for the S&L crisis. Here I quote: "They were mid-level figures, some of the thousands of ordinary people — lawyers, consultants, regulators, congressional staffers, state officials, and investment bankers who helped create the crisis, often by calculating their own self-interest first. The list is so long that some observers conclude . . . something profoundly wrong with the country . . . and reckless behavior. This legion calls into question the nation's professional ethic: Where is the line?"

What is the importance of this? The importance of this is that it is not backed it with common sense. It is not backed it with common sense.

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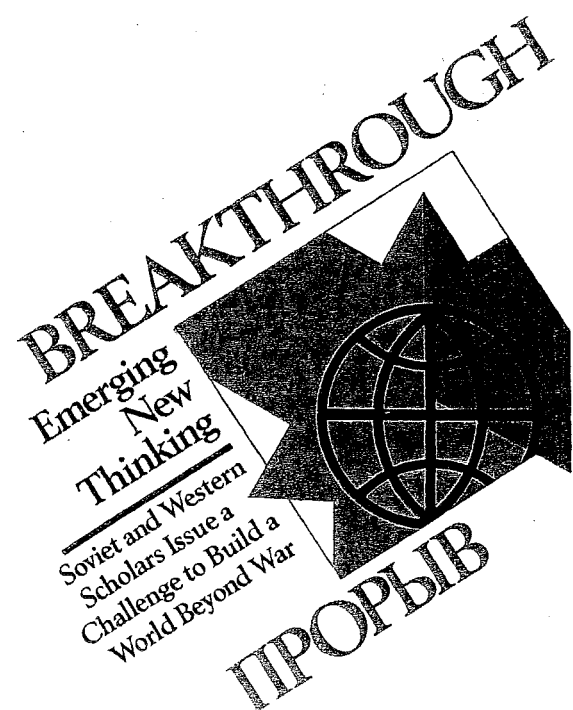
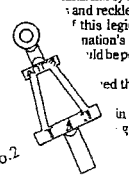
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**THE BENT**  
OF TAU BETA PI  
Vol. LXXXII/No. 2  
SPRING 1991



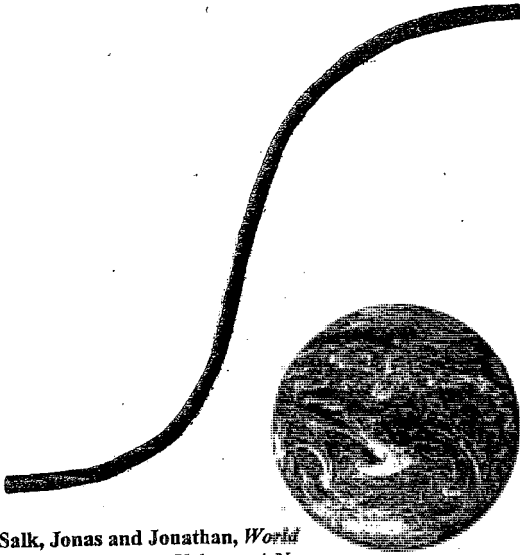
Edited by:  
**Martin E. Hellman, Stanford University, USA**  
**Anatoly A. Gromyko, Institute of Africa Studies, USSR**

*"An impressive and immensely valuable product of Soviets and Americans trying to surmount the mountains which separate our cultures in search of a common way of thinking about the central threat to us all — nuclear weaponry and . . . the ultimate obscenity of nuclear war. Our differences are real, but this book, and the collaboration which produced it, are the only way to tread through them to produce a world in which all our children can live in safety."*

William Colby, Former Director, CIA, 1988

Walker and Company, New York, NY, 1988  
[www.globalcommunity.org/breakthrough/](http://www.globalcommunity.org/breakthrough/)

# The S-Shaped Curve:



See, Salk, Jonas and Jonathan, *World Population and Human Values – A New Reality*, Harper & Row, New York, NY, 1981.

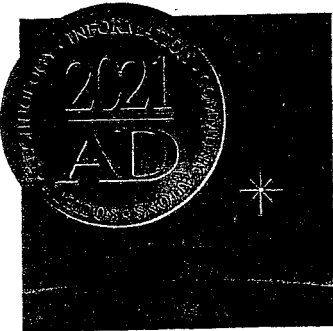
*“Once an innovation is accepted by about 15 to 20 percent of the total population involved... it cannot be stopped.”*

Everett M. Rogers  
*Diffusion of Innovations, 1983*

## Emerging Values In A New Reality

*The futurist symposium of the decade*

**Com  
Forum**



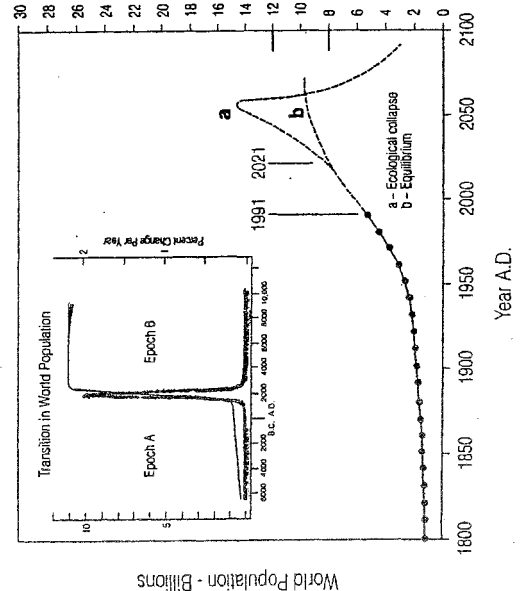
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- Robotics
- Societal Issues
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Presented by the  
National Engineering Consortium

## World Population Growth Transition Scenarios




This paper was based on a presentation at the 1991 National Communications Forum's University-Industry Colloquium 2021 AD: Visions and Directions on September 29, 1991. The National Engineering Consortium published it as a monograph in April 1992, and, Tau Beta Pi as a paper in the Fall 1992 issue of *THE BENT*.

The paper provided the themes for the keynote addresses, the Ameritech SuperSchool initiative, and the Nortel environmental initiative at SUPERCOMM'92. It was used as one of the background documents for the 1994 National Science Foundation Workshop on Engineering Education and the 1998 Engineering Foundation Conference: Realizing the New Paradigm for Engineering Education. The paper also served as the basis for addresses in March 1992 at the University of Illinois at Chicago and at the 20<sup>th</sup> Annual Computer Science Conference, in May 1992 at Northeastern Illinois University, in September 1992 at Clemson University, and in June 1993, at the Society of Women Engineers National Convention.

## Creating Our Common Future

*Reflections On The Four Es: Environment, Education, Energy and Economics*

**Dr. Frank G. Splitt**  
Vice President  
Educational and Environmental Initiatives  
Northern Telecom Inc.



### Sustainable Development

• My article, "Creating Our Common Future: Reflections on the 4Es: Environment, Education, Energy and Economics," (Fall 1992) triggered several interesting responses (Winter 1993). These comments are addressed to readers who would argue that human intervention to save our planet from the threats of global-warming, environmental degradation, over-consumption, and population growth is but mere folly, as well as to those who would argue that we are not doing enough soon enough. I ask both groups to consider the following.

Last November 18, the Union of Concerned Scientists issued a document titled *World Scientists' Warning to Humanity*. It catalogs the damage to the atmosphere, oceans, soil, and the destruction of the states category. The ability of the stratosphere, environmental, and the 21st century. Perhaps, more of us in the engineering community, acting as responsible Earth citizens, will join the effort to create our common future. We have much to contribute in the way of time, talent, and leadership abilities to help overcome extant confusion, disappointment, and frustration, as well as address the arguments of entrenched special-interest groups.

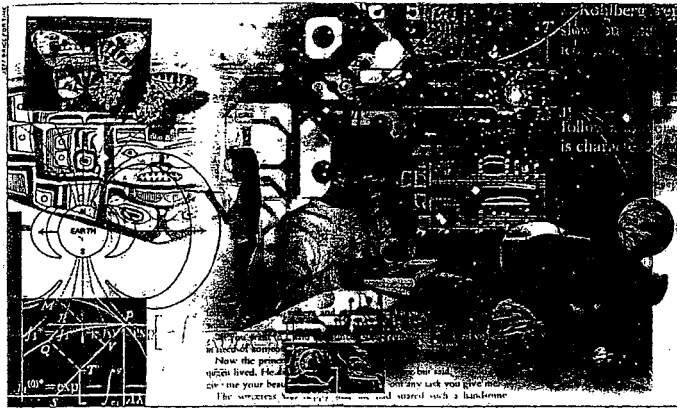
Perhaps, more of us in the engineering community, acting as responsible Earth citizens, will join the effort to create our common future. We have much to contribute in the way of time, talent, and leadership abilities to help overcome extant confusion, disappointment, and frustration, as well as address the arguments of entrenched special-interest groups. The stakes are high; there is much to be gained. And WHAT do we have to lose?

Frank G. Splitt, IL '62

Vice President Albert Gore addressed population growth in his book *Earth in the Balance* where he says: "Just as no problem better illustrates the dramatic change in humankind's impact on the global environment, none better illustrates the necessity of adopting a truly global solution and designing it in a strategic fashion. . . . What is required, then, is foresight, moral courage, and philosophical commitment."

To me, the ability of the stratosphere, environmental, and the 21st century. Perhaps, more of us in the engineering community, acting as responsible Earth citizens, will join the effort to create our common future. We have much to contribute in the way of time, talent, and leadership abilities to help overcome extant confusion, disappointment, and frustration, as well as address the arguments of entrenched special-interest groups. The stakes are high; there is much to be gained. And WHAT do we have to lose?

Frank G. Splitt, IL '62



THE CENTURY AHEAD

# Tomorrow's Lesson: Learn or Perish

COMPUTERS WILL ACT AS TUTORS, TEACHERS WILL BE WELL-PAID HEROES, AND DOING YOUR HOMEWORK WILL BE A MATTER OF SURVIVAL

BY MICHAEL D. LEMONICK

TIME, FALL 1992

### Systemic Engineering Education Reform: Some SEER FAQs

**Why is a large change such as that implied by "systemic engineering education reform" needed?**

**Why can't incremental change make the needed changes on an appropriate time scale?**

**Why do we need to recognize leadership and systemic change in engineering education now?**

**What are attributes of the new paradigm driving engineering education reform?**



### **Attributes of the New Paradigm**

Encouragement of diverse student academic backgrounds and faculty dedicated to developing emerging professionals;

Connection of solid mathematics and scientific knowledge foundation with engineering practices;

Maintenance of regular, well-planned interaction with industry – including industry-based projects;

Integration of subject matter, concepts, issues and principles – including relationships to earlier subject matter;

Emphasis on inquiry-based learning and preparation for lifelong learning, with much less dependence on lectures;

Stress on integrative, systems thinking, coping with change, communications skills (listening, speaking, reading, and writing), teamwork and group problem-solving skills (from identification through analysis and resolution);

Focus on design issues involving life-cycle economics, environmental impact, sustainable development, ethics, timeliness, quality, health & safety, manufacturability, maintainability, social, legal, standards and ad hoc concerns.

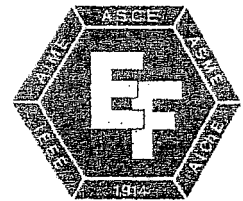
## **PERSPECTIVES – REFERENCES**

### **SOME HISTORICAL PERSPECTIVES**

- NRC Panel on Undergraduate Education, *Engineering Education and Practice in the United States: Engineering Undergraduate Education*, 1986
- JEE Roundtable: *Reflections on the Grinter Report*, 1994
- ASEE Deans Council and Corporate Roundtable, *Engineering Education for a Changing World*, October 1994
- NRC Board on Engineering Education, *Engineering Education: Designing an Adaptive System*, 1995

### **SOME RECENT PERSPECTIVES**

- Ernst et al, *Proc. of the 1998 Engineering Foundation Conference on Realizing the New Paradigm for Engineering Education*
- Duderstadt, *A University for the 21<sup>st</sup> Century*, September 1999
- Wulf and Fisher, *A Makeover for Engineering Education*, Spring 2002  
[http://www.nap.edu/issues/18.3/p\\_wulf.html](http://www.nap.edu/issues/18.3/p_wulf.html)
- Jones and Oberst, *Are Current Graduates in the US Being Treated as Commodities by Employers*, June 2002
- Kenny, *Reinventing Undergraduate Education: Three Years After the Boyer Report*, 2002



## **Realizing the New Paradigm for Engineering Education**

### **Proceedings**

June 3-6, 1998  
Omni Inner Harbor Hotel  
Baltimore, Maryland

Conference Co-Chairs:  
Edward W. Ernst  
University of South Carolina  
&  
Irene C. Peden  
University of Washington

Engineering Foundation Conferences  
Three Park Avenue  
New York, NY 10016-5902  
T: 1-212-591-7836 F: 1-212-591-7441  
e-mail: [engfnd@aol.com](mailto:engfnd@aol.com); [www: http://www.engfnd.org](http://www.engfnd.org)

*As We Lose Engineers, Who Will Take Us  
Into the Future*

June 7, 2002

*Angry Engineers Blame Shortage on Low  
Pay, Layoffs and Age Bias*

July 5, 2002

*Dear W: Scientists Give the President Some  
Advice on Policy*

December 27, 2002

*Global Warming Means A Possible Big  
Chill For Northern Regions*

March 7, 2003

Sharon Begley  
Science Journal, *The Wall Street Journal*

## BARRIERS TO CHANGE

- ACADEMIC RESISTANCE TO CHANGE – Culture, Cheese, and the Innovator’s Dilemma
- ACADEMIC RESISTANCE TO ABET OVERSIGHT – The Slippery Slope Syndrome
- LACK OF APPROPRIATE RECOGNITION FOR ENGINEERING EDUCATORS.
- LACK OF FORCEFUL INDUSTRY INPUT
- REFORM FATIGUE SYNDROME (RFS)

“...I would reinforce the analogy you make to “The Innovators Dilemma.” I don’t believe faculty are opposed to change per se; rather they appear to be successful doing what they have done since the 1950’s and don’t see the reason to change. Unfortunately, like companies that fail to adopt “disruptive technologies,” engineering schools that don’t adopt a better basic model of engineering education may find themselves out of business when they finally do recognize the need for change in a timely manner...” – William A. Wulf, March 2003

### A RECENT ADVERTISEMENT FEATURING ENGINEERS AND SCIENTISTS



**With 11 engineers and scientists for every 1000 workers and the second highest number of Ph.D.’s per capita, it goes without saying that the high-tech industry finds New Mexico attractive. And the fashion industry doesn’t**

\*\*National Science Foundation

Spencer Johnson, M.D. WHO MOVED MY CHEESE? PUTNAM

**LIBRARY**

An A-Mazing Way to Deal with Change  
in Your Work and in Your Life

# Who Moved My Cheese?

Spencer Johnson, M.D.  
Foreword by Kenneth Blanchard, Ph.D.  
Co-Authors of *The One Minute Manager*  
The World’s Most Popular Management Method



U.S.A. \$19.95  
Canada \$22.99

**Who Moved My Cheese?**  
An A-Mazing Way To Deal With Change  
In Your Work And In Your Life

*Who Moved My Cheese?* is a simple parable that reveals profound truths about change. It is an amusing and enlightening story of four characters who live in a “Maze” and look for “Cheese” to nourish them and make them happy.

Two are mice named Sniff and Scurry. And two are “little people”—beings the size of mice who look and act a lot like people. Their names are Hem and Haw.

“Cheese” is a metaphor for what you want to have in life—whether it is a good job, a loving relationship, money, a possession, health, or spiritual peace of mind.

And “The Maze” is where you look for what you want—the organization you work in, or the family or community you live in.

In the story, the characters are faced with unexpected change. Eventually, one of them deals with it successfully, and writes what he has learned from this experience on the maze walls.

When you come to see “The Handwriting on the Wall,” you can discover for yourself how to deal with change, so that you can enjoy less stress and more success (however you define it) in your work and in your life.

Written for all ages, the story takes less than an hour to read, but its unique insights can last for a lifetime.

2803

## A FACET OF THE PIPELINE PROBLEM – Factoid and a Comment

In the last five years, the new high school teachers graduated by Arkansas' state colleges included 1,193 physical education teachers and just one physics teacher.

*“...just one indicator of the cultural problems that make education in grades K through 12 resistant to change. It is difficult to improve using federal leverage. My strongest weapon for reform is shame.”*

Secretary of Education Rod Paige

Source: George Will, “Too little leverage to effect significant educational improvement,” Mount Prospect Daily Herald, March 4, 2003.

## Why Important Things Often Don't Get Done

Action Via Binary Decision Making re: the Important (I) and the Urgent (U)

|     |     |    |    |
|-----|-----|----|----|
| I,U | I,U | 10 | 11 |
| I,U | I,U | 00 | 01 |

Governed by:

- Fermat's Principle of Least Time;
- Maupertuis' Principle of Least Action;
- Hamilton's General Minimal Principle;
- Christensen's Innovator's Dilemma Principle;
- Gladwell's Power of Context Principle\*; or
- ?

\* See the example of “The Good Samaritan,” Gladwell, Chapter 4, Section 5, page 163

## Potential Change Agents and RFS

### Change Agents Can Suffer from Reform Fatigue Syndrome (RFS)

- Usually over-worked, stressed, and fatigued
- Some feel helpless and hopeless re: SEER

*“How does individual behavior aggregate to collective behavior? As simply as it can be asked, this is one of the most fundamental and pervasive questions in all of science.”*

– Duncan Watts, *SIX DEGREES*

### Real World 101: What Some Engineers in Industry Want You and Your Students to Know

#### Learn How To Be Evergreen

FRANK G. SPLITT is vice-president of technology planning at Northern Telecom Inc., in Schaumburg, Illinois.

We need to shift away from the trend toward simply collecting more and more specialized information and emphasize instead the evaluation of more broadly based knowledge and its implications to our society's needs. Leadership in esoteric areas of science is not enough to drive technological leadership and convert critical technologies into manufactured products, processes and services that can compete successfully in a global marketplace. Engineers have to be less concerned with components and more involved with understanding the inter-relationship between hard technological systems and soft non-technical “systems,” because that's how the world is evolving.

One thing the new paradigm calls for is a new way of thinking about how we evaluate our students, the kind of tests we give them, what we expect from them. That's where they will place their emphasis. **Though this may seem an impossible task, remember Everett Rogers' work\* on the diffusion process. If only 5 percent of engineering faculty start thinking along these new lines, then really buy into the idea, it will become embedded. If the buy-in grows to 20 percent, it will turn into an avalanche.**

I've seen too many engineering graduates take a long time to become productive. I believe it's because they haven't been trained to develop solutions involving multiple disciplines. Creating appropriate, pragmatic solutions from multiple inputs and under multiple constraints is a skill our students need. Most of all, the years in school should be a time for learning how to learn, how to be evergreen. We need to develop people who know how to think, how to perceive implications, how to develop relationships and connections, how to reason.

To broaden the general knowledge of engineers who will be addressing the needs of the twenty-first century, we certainly need ways to improve writing and speaking. This does not necessarily mean more courses, but new thinking about how we teach the courses we already have. Look at it this way: Let's have our future engineers tell the time when asked, not tell how a watch is built.

\*Everett Rogers, *Diffusion of Innovations*, New York, NY: Free Press, 1983.

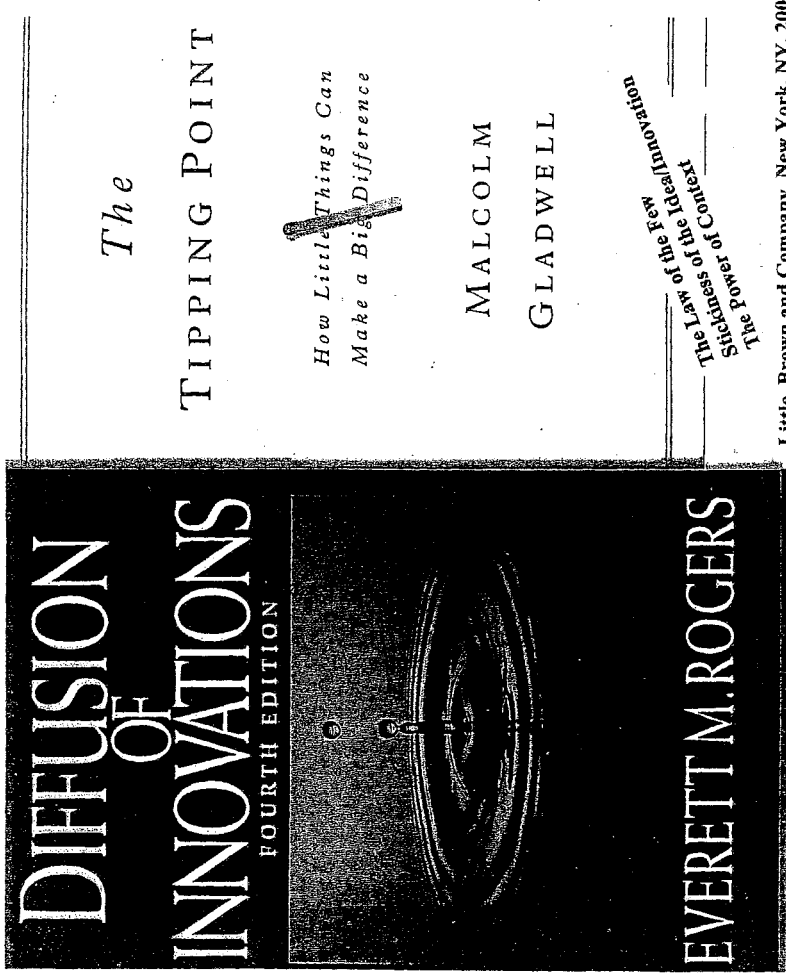
ASEE PRISM, October 1992

# DIFFUSION OF INNOVATIONS – BACKGROUND

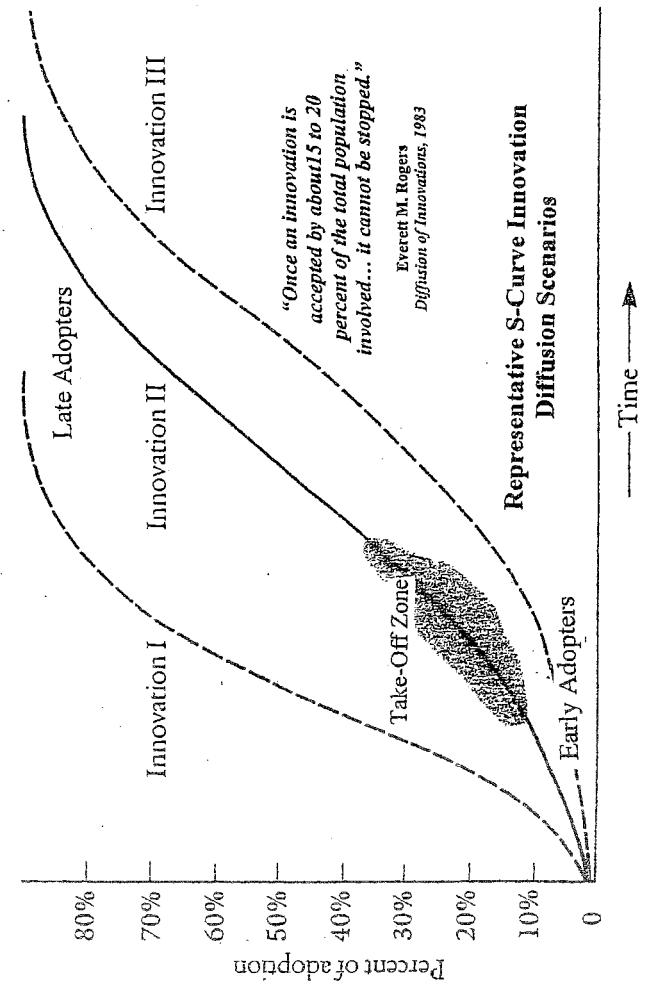
- > DAWKIN'S MEMES AND DIFFUSION
- > KEY STEPS IN THE INNOVATION-DECISION PROCESS
- > RATE OF ADOPTION
- > GOOD NETWORKING ATTRIBUTES
- > AN EXAMPLE – THE NII CAMPAIGN

## Dawkin's Memes and Diffusion

**Meme:** A contagious idea that replicates like a virus, passed on from mind to mind. Memes function and often diffuse the same way genes and viruses do – propagating through communication networks and face-to-face contact between people.



Little, Brown and Company, New York, NY, 2000



## Rate of Adoption is positively correlated with a compelling story and more:

- *Relative advantage* over idea it replaces;
- *Stickiness* re: ability to lock and stay locked into needs/desires of potential adopters;
- *Simplicity* re: ease of understanding and use;
- *Trialability* re: ability to experiment on limited basis;
- *Observability* re: visibility to others of outcome at time  $T_2$  to adoption at time  $T_1$ ;
- *Networkability* re: availability of generators, connectors, transmitters, amplifiers, and **TIME**.

Reference: Everett Rogers, *Diffusion of Innovations*, New York, NY: Free Press, 1983.

## Key Steps in the Innovation-Decision Process

- *Awareness*, exposure and recognition of the innovation's existence;
- *Knowledge*, understanding of how the innovation functions;
- *Persuasion*, formation of a favorable or unfavorable attitude;
- *Decision*, engagement in activities leading to adoption, rejection, or hold-off;
- *Implementation*, innovation in use; and
- *Confirmation*, +/- feedback sought on efficacy of original decision.

Reference: Everett Rogers, *Diffusion of Innovations*, New York, NY: Free Press, 1983.

## Good Networking Attributes

- *High Power Transmitters(s)* – Zeal and Passion for the cause;
- *Active Connectors and Multiple Smart Nodes* – Intelligent Networking;
- *Multiple Branches and Loops* – Fault Tolerant, Redundancy +
- *Multiple Delivery Mechanisms* – Diversity and Impedance Matching ++
- *Durability* – Sufficient Life, Perseverance
- *Interference (Antibody) and Stress Resistance*
- *Feedback Control* – Continuous On-Line Improvement and Adaptation Process for Time Varying Network

For additional perspectives see Duncan Watt's *Six Degrees: The Science of a Connected Age*, W. W. Norton & Co., New York, NY, 2003.

## AN EXAMPLE – THE NII CAMPAIGN

### The U.S. Information Industry – Creating the 21st Century

Frank G. Splitt



Accreditation Board for Engineering and Technology  
Alliance for Public Technology  
American Electronics Association  
American Enterprise Institute for Public Policy Research  
Annenberg Washington Program  
Computer and Communication Industry Association  
Computer Systems Policy Project (CSPP)  
CORETECH - Council on Research and Technology  
Council on Competitiveness  
Economic Strategy Institute  
Electronic Industries Association  
Georgia Center for Advanced Telecommunications Technology (GCATT)  
Hudson Institute  
IEEE U.S. Activities Board, ComSoc and Selected Members  
Information Industry Corporations (see attached list)  
Institute for Information Studies  
NACFAM  
National Academy of Engineering  
National Cable Television Association  
National Engineering Consortium, Members of Executive Advisory Councils  
National Information Infrastructure/Cross Industry Working Team  
National Science Academy  
National Science Foundation  
Progressive Policy Institute  
Telecommunications Industry Association  
United States Distance Learning Association  
United States House Energy and Commerce Committee  
United States House Science, Space & Technology Committee  
United States Senate Commerce Committee  
United States Telephone Association  
Universities (see attached list)  
Vice President Gore  
White House Office on Environmental Policy

as of 3/24/93

*Note: The Consortium's campaign will be expanded to include some 900 additional corporate and institutional users, as well as all of the accredited U.S. universities with particular focus on the Consortium's 55 affiliated universities.*

3Com Corp.  
ADC Telecommunications, Inc.  
AG Communication Systems  
Alcatel Network Systems  
Amdahl Corporation  
Ameritech  
Andrew Corporation  
Apple Computer Inc.  
Aptec Computer Systems  
Aristacom International Inc.  
AT&T  
AT&T Bell Laboratories  
Baker Group, Inc.  
Bell Atlantic  
Bell South  
Bellcore  
BellSouth Telephone Operations  
BNR  
British Telecom  
C & P Telephone - Maryland  
CBIS  
Centel Corporation  
Central Telephone Company  
Cisco Systems Inc.  
CIT Group  
Citibank  
Coming, Incorporated  
Corporation for National Network Initiatives  
Digital Equipment Corporation  
Dyna, Inc.  
Ericsson Network Systems  
First Chicago  
France Telecom, Inc.  
Fujitsu Network Switching of America  
GPT Telecommunications Systems Group  
Great Western Teleconsulting  
GTE  
GTE Mobilnet, Inc.  
Hewlett-Packard Company  
Howard Frank Associates  
Hughes Network Systems  
IBM  
Illinois Bell Telephone  
Indiana Bell Telephone  
Integrated Network Corporation  
Intel Corp.  
JWP Information Systems  
Martin Marietta Energy Systems  
MBX  
MCI Telecommunications Corporation  
Michigan Bell Telephone  
Motorola Inc.  
Motorola Nortel Communications Co.  
NAC, Inc.  
NEC America, Inc.  
New England Telephone  
New Jersey Bell  
New York Telephone  
North Pittsburgh Systems, Inc.  
Northern Telecom Inc.  
Novell  
NYNEX  
NYNEX Science & Technology  
Pacific Bell  
Pacific Telesis International  
Racal-Milgo  
Raynet Corporation  
Reliance Comm/Tec  
Rochester Telephone Corporation  
Rockwell International  
Science Application International Corporation  
Siemens Stromberg-Carlson  
Silicon Graphics  
Southern New England Telephone Company  
Southwestern Bell Corporation  
Sprint  
Sun Microsystems, Inc.  
Synon Corporation  
T M Group  
Tandem Computers Inc.  
Telco Systems, Inc.  
Telefonica de Espana  
Telephone & Data Systems  
Tellabs Operations, Inc.  
Teradyne, Inc.  
Thinking Machines Corporation  
Travelers  
U S West Advanced Technologies  
U S West Communications  
Unisys Corporation  
United Telephone of Pennsylvania  
West Publishing Co.  
Xerox Corporation

as of 3/24/93

## The Futurization Process - A Story of Individuals, Organizations, Corporations, Academia and the Information Industry

Frank G. Splitt  
Vice President, Emeritus  
Northern Telecom Inc.

The World Future Society  
Seventh General Assembly and Exposition  
Futuresphere Session On:  
How to Futurize an Organization  
June 29, 1993  
Sheraton Washington Hotel  
Washington, D.C.

### Vectoring from the 2021 AD ComForum to InfoVision and Beyond

AEA/NBC Executive Symposium: *The U.S. Information Industry—Creating 21st Century Infrastructure*, 11/93  
NCF 93: *University-Industry Colloquium—“Creating the Future—International Perspective on Information Technology Education*, 11/93  
WFS: *Futurization Process—A Story of Individuals, Organizations, Corporations, Academia, Government, and the Information Industry*, 6/93  
IEEE—*Information Exchange: The U.S. Information Industry—Creating the 21st Century*, 5/93  
ECF 93: *Executive Workshop—The Information Industry of the Future: Routes to Cooperation*, 5/93  
Joint NCF, ECF, and WCF Executive Advisory Council Meeting—*Establish Path Forward via Futures Committee*, 11/92  
InfoVision ComForum: *Visions of the Information Age*, 11/92  
NCF 92: *Executive Workshop—Improving Technology Transfer from Universities to Corporations*. Launch National High Technology Agenda for the Information Industry, Commission NII White Paper, 10/92  
SUPERCOMM / ICC 92: *Keynote Addresses linked to Creating Our Common Future*. Educational Thrust, Ameritech SuperSchool, 6/92  
Tech Needs 2000 ComForum: *Technologies and Customer Needs of the 21st Century*, 6/92  
ECF 92: *Executive Forum—National Telecommunications Visions*, 5/92  
NCF 91: *University/Industry Colloquium and Executive Forum—Visions of the Future*, 9/91  
SUPERCOMM 91: *Nortel Launches Creating the Future Initiative*, 3/91  
2021 AD ComForum: *Visions of Society, Technology, Information, and Communications*, 3/91

CREATING OUR COMMON FUTURE

# SURMOUNTING THE BARRIERS TO CHANGE

- > THE SEER CAMPAIGN
- > NOTEWORTHY EXAMPLES AND POSSIBILITIES
- > COMPLEMENTARY FORCES

# SURMOUNTING THE BARRIERS TO CHANGE – The SEER Campaign

*Diffusing the SEER Meme – Who, What, When, Where, and How*

- > Contacted Parties
- > Publications – IEC, JEE, BENT
- > Commentaries
- > Newsletters – AEESP, ASEE/IEEE

*“There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.”*

Niccola Machiavelli  
*The Prince*, circa 1512

The SEER Campaign contact strategy represents a crosscutting, bottom-up/top-down approach to raise awareness of the issues surrounding SEER and to promote debate – ultimately leading to campus action. Widespread promulgation of the ideas related to systemic reform (the SEER Memes) via massive networking is aimed at moving stakeholders to awareness-to-understanding-to-commitment-to-action.

## Contacted Institutions, Organizations and Societies

- Accreditation Board for Engineering and Technology (ABET)
- Alfred P. Sloan Foundation
- American Academy of Environmental Engineers (AAEE)
- American Association for the Advancement of Science (AAAS)
- American Association of Engineering Societies (AAES)
- American Institute of Aeronautics and Astronautics (AIAA)
- American Institute of Chemical Engineers (AIChE)
- American Institute of Mining, Metallurgical and Petroleum Engineers (AIME)
- American Nuclear Society (ANS)
- American Society of Civil Engineers (ASCE)
- American Society of Mechanical Engineers (ASME)
- Arthur J. Schmitt Foundation and associated universities
- American Institute for Medical & Biological Engineering (AIMBE)
- American Society for Engineering Education (ASEE)
- ASEE Engineering Deans Council
- ASEE Journal of Engineering Education (ASEE JEE)
- ASEE/ASCE Engineers Forum on Sustainability
- Association for Computing Machinery (ACM)
- Association of Environmental Engineering and Science Professors (AEEPS)
- Big 10+ Deans Council
- Big 10+ Associate Deans Council
- Building Engineering & Science Talent (BEST)
- Boyer Commission on Educating Undergraduates in the Research University
- Coalition of the Concerned About the Vitality of the U.S. S&E Workforce
- CSAB, Inc. (CSAB)
- Deans Summit II Conference Chairs
- Electrical and Computer Engineering Department Heads Association (ECEDHA)
- Eta Kappa Nu Directors
- Foundation for Global Community
- Global Education Associates
- Gary and Jerri-Ann Jacobs High Tech High
- Institute of Electrical & Electronics Engineers (IEEE) - USA
- IEEE Educational Activities Board (IEEE EAB)
- IEEE Education Society
- IEEE Spectrum
- Institute of Industrial Engineers (IIE)
- International Engineering Consortium (IEC) Directors
- International Engineering Education Digest
- International Society for Optical Engineering Directors (SPIE)
- Iron and Steel Society (ISS-AIME)
- Materials Research Society (MRS)
- Minerals, Metals and Materials Society (TMS-AIME)
- National Academy of Engineering (NAE)
- National Academy of Sciences (NAS)
- NAS-Government University Industry Research Roundtable (NAS-GUIRR)
- National Council for Science and the Environment (NCSE)
- National Science Foundation (NSF)
- Novartis Foundation for Sustainable Development
- NSF Engineering Education Coalition Directors
- NSF Division of Engineering Center Directors
- National Science Board's Task Force on S&E Infrastructure
- National Society of Black Engineers (NSBE)
- National Society of Professional Engineers (NSPE)
- President's Council of Advisors on Science and Technology (PCAST)
- Project Kaleidoscope (PKAL)
- Royal Academy of Engineering (RAE-UK)
- Sigma Xi
- Society for Mining, Metallurgy and Exploration, Inc. (SME-AIME)
- Society of Petroleum Engineers (SPE-AIME)
- Society of Women Engineers (SWE) Directors
- Tau Beta Pi Council Members
- Western Society of Engineers (WSE)
- Wisconsin Academy of Sciences Arts and Letters
- World Federation of Engineering Organizations (WFEO)

# EDUCATIONAL AND ENVIRONMENTAL INITIATIVES

Some Recollections, Observations, and Recommendations

Frank G. Splitt

McCormick Faculty Fellow  
of Telecommunications  
Northwestern University

March 7, 2001



International Engineering  
Consortium  
[www.iec.org](http://www.iec.org)

## THE EVOLVING STORY

### ENGINEERING EDUCATION REFORM:

#### A Trilogy

ENVIRONMENTALLY SMART ENGINEERING EDUCATION:  
A Brief on a Paradigm in Progress

THE CHALLENGE TO CHANGE:  
On Realizing the New Paradigm for Engineering Education

ENGINEERING EDUCATION REFORM:  
A Path Forward

October, 2002

Frank G. Splitt

McCormick Faculty Fellow  
Northwestern University  
McCormick School of Engineering and Applied Science

# AN ODYSSEY OF EDUCATIONAL AND ENVIRONMENTAL INITIATIVES:

*From National Information Infrastructure to the Fate of our Inland Lakes and Ecoefficient Design*

Keynote Address  
by

Frank G. Splitt  
McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University

### GREEN ENGINEERING CONFERENCE: Sustainable and Environmentally Conscious Engineering

Sponsored by Virginia Polytechnic Institute and State University  
College of Engineering, Center for Organizational and Technological Advancement  
and the Chemical Engineering Branch, Office of Pollution Prevention and Toxics, U.S.  
Environmental Protection Agency

The Hotel Roanoke & Conference Center  
Roanoke, Virginia

July 30, 2001



by Frank G. Splitt, *Illinois Alpha '52*

We cannot know exactly what the future will bring; however, we can predict with certainty that engineering schools and engineers will be called upon to satisfy a multiplicity of needs in the years to come. These needs may relate to knowledge and expertise, for example, in more secure and efficient physical facilities and information networks, advanced asynchronous learning systems, earth systems, and ecoefficient design of complex systems. Engineers will ponder problems involving world cultures, religions, ethics, and economics, as well as new technologies. They will also be concerned with other unforeseen questions of local, national, or global significance. The new paradigm for engineering education goes beyond the need to keep students at the cutting edge of technology and calls for a better balance in the various areas of engineering school scholarship. Commitment to the realization of the new paradigm will yield renaissance-engineer graduates with the tools to face an unpredictable future with confidence in their abilities and yield untold benefits to the world in which they will live. After presenting a brief historical background on engineering education reform, this article summarizes related problems and the current status of various reform efforts. A basic understanding of the new paradigm as well as the need and urgency of engineering education reform can be grasped from a reading of the four questions and answers in the screened box.

#### Some Historical Perspectives

A myriad of articles, papers, books, and workshop and conference proceedings have made a compelling case for systemic engineering education reform. Among these are the 1994 joint project report on *Engineering Education for a Changing World* by the Engineering Deans Council and Corporate Roundtable of the American Society for Engineering Education (ASEE) [1], the 1996 Report by the Board on Engineering Education of the National Research Council (NRC) [2], and the recent call for change by the National Academy of Engineering (NAE) leadership, President William A. Wulf, and Chair George M. C. Fisher, II A '82, [3]. Although there has been progress, resistance to change continues unabated in spite of the numerous calls for action, increasing competition from alternate service providers, as well as student-pipeline and job-security issues [4,5]. A survey conducted by the Boyer Commission indicated that research

universities have invested considerable effort in improving undergraduate education in recent years. "But it also suggests that most efforts have been directed at the best students; the challenge for almost all is to reach a broader spectrum of students" [6].

The introduction of new, outcomes-based accreditation criteria, *Engineering Criteria 2000* (EC 2000), by the Accreditation Board for Engineering and Technology (ABET), and the funding of

a number of programs related to systemic engineering education reform by the National Science Foundation (NSF) in the early 1990s, are seminal events on the path to a new paradigm for engineering education. The 1998 Engineering Foundation Conference provided further impetus. Cochair Edward W. Ernst, II A '49, University of South Carolina, reminded the participants that intense discussions beginning in the late 1980s, coupled with several conferences, workshops and studies "produced a consensus about what engineering education should be—what the stakeholders expect in the content of the curriculum, innovative approaches to teaching, and involvement of students. Achieving the change needed in engineering programs across the country has become the current barrier that must be surmounted for engineering education to realize the new paradigm for engineering education and to serve the stakeholders even better." [7]

Achieving change via engineering education reform presents a formidable challenge, given academia's bias toward preservation of the status quo where publications and research funding drive rewards and recognition. It is part of the overarching challenge of change faced by universities and colleges throughout our nation, as described by former president of the University of

SPRING 2003 THE BENT OF TAU DELTA PI 29



## COMMENTATORS

**Robert Aaron**, President, Contemplating Consulting, (former) Department Head, Bell Laboratories, Member NAE  
**Eleanor Baum**, Dean of Engineering, The Cooper Union  
**Richard C. Becker**, Chairman, Arthur J. Schmitt Foundation, Emeritus President, Illinois Benedictine University  
**A. Wayne Bennett**, Dean, James Worth Bagley College of Engineering Mississippi State University  
**Theodore A. Bickart**, Accreditation Policy Council Chair, IEEE Educational Activities Board, (former) President, Colorado School of Mines  
**David E. Blockstein**, Senior Scientist, National Council for Science and the Environment  
**Shlomo Carmi**, Dean, College of Engineering, University of Maryland Baltimore County, Vice President, Engineering Education, ASME  
**Devra Lee Davis**, Visiting Professor, The H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, Member, Chemical Safety and Hazard Investigation Board (1994-99), former Senior Advisor to the Assistant Secretary for Health.  
**James Duderstadt**, Emeritus President, University of Michigan, Member NAE  
**Lyle Feisel**, Vice President, IEEE Educational Activities Board, Dean Emeritus (retired) of the Thomas J. Watson School of Engineering and Applied Science at the State University of New York at Binghamton  
**Eli Fromm**, University Professor and Director for Center of Education Research, Drexel University  
**Mike Gorman**, President and CEO, New-TRAC Consulting, Retired Vice President-Corporate Standards and New Technology Development, Ameritech  
**Jerrier Haddad**, (retired) Vice President, IBM, a Past President of ABET, Chair, (1980s) NRC Committee on the Education and Utilization of the Engineer, Member NAE  
**Frank P. Incropera**, Matthew H. McCloskey Dean of Engineering, University of Notre Dame, Member NAE  
**Russel Jones**, Editor, International Engineering Education Digest, (former) President, University of Delaware  
**Stanley N. Katz**, Professor, Woodrow Wilson School, Director, Center for Arts and Cultural Policy Studies, Princeton University  
**William E. Kelly**, Professor of Civil Engineering and former Dean of Engineering, Catholic University of America, Chair, ASEE Engineers International Roundtable  
**David G. Lee**, Director, Manufacturing Engineering Program Engineering & Science, University of Detroit Mercy, President, Society of Manufacturing Engineers  
**Alan L. Leshner**, Chief Executive Officer, American Association for the Advancement of Science.

**John H. McMasters**, Technical Fellow, The Boeing Company  
**Malcolm J. McPherson**, (Interim) Dean, College of Engineering, Virginia Tech  
**Irene Peden**, Professor Emerita, University of Washington, Member NAE  
**Catherine A. Peters**, Associate Professor Dept. of Civil and Environmental Engineering, Princeton University, President, Association of Environmental Engineering and Science Professors (AEESP)  
**John W. Prados**, Vice President Emeritus and University Professor, The University of Tennessee  
**Peter Raven**, Director Missouri Botanical Garden, Engelmann Professor of Botany at Washington University, President-Elect of Sigma Xi, Chair of the Board, American Association for the Advancement of Science, (former) Member of the President's Council of Advisors on Science and Technology, Member NAS  
**Jeffrey S. Russell**, Professor and Chair, Construction Engineering & Management Program, UW-Madison; Chair of the ASCE Task Committee on Academic Prerequisites for Professional Practice (TCAP<sup>3</sup>).  
**Sue Rosser**, Dean, Ivan Allen College, Georgia Institute of Technology.  
**Sheri Sheppard**, Associate Professor of Mechanical Engineering, Stanford University, Senior Scholar at the Carnegie Foundation for the Advancement of Teaching, past co-PI with Alice Agogino at the NSF Engineering Education Synthesis Coalition.  
**David Soldan**, Chair, Department of Electrical and Computer Engineering, Kansas State University, President Electrical and Computer Department Heads Association (ECEDHA)  
**Linda Vanasupa**, Professor and Chair Materials Engineering Department, California Polytechnic State University, Chair, Academic Affairs Committee of the Materials Research Society  
**William A. Wulf**, President, National Academy of Engineering

**Devra Lee Davis:** *"WOW!...there is tremendous confluence of interests here. One could make the argument that most environmental contamination today is basically the result of mis-engineering/design failures. Taking a narrow view of technological function, structure, time and space, rather than an integrated, systemic perspective, has produced engineering feats that succeed in small tasks, but do not necessarily build stronger systems."*

**James Duderstadt:** *"Thanks for including me in your campaign! I've read your materials and certainly agree with both the substance and the urgency of the issue. I'll do my best to keep these issues in front of my colleagues."*

## The Systemic Engineering Education Reform (SEER) Campaign

Beyond IEC publication of the Campaign white paper, *Engineering Education Reform: A Trilogy*, the following items are considered to be noteworthy:

- Part 1 of the Trilogy was published in the October 2002 Issue of the *Journal of Engineering Education*. Part 2 will be published in the April 2003 Issue;
- All three parts will be published in sequential issues of the ASEE/IEEE Newsletter, *The Interface*;
- The Association of Environmental Engineering and Science Professors Spring *AEESP Newsletter* will promote the Trilogy;
- The Trilogy was distributed at the Deans Summit II Conference and the NCSE Conference earlier this year. It will be distributed at *Share the Future IV*, and NSF supported workshops on engineering education at Harvey Mudd and Bucknell;
- A summary article, *Systemic Engineering Education Reform: A Grand Challenge*, will be published in the Spring 2003 Issue of THE BENT of Tau Beta Pi;

### Additionally,

- ECEDHA President Dave Soldan forwarded Trilogy to all members with a supportive cover message on 3/10/03, Jim Aylor distributing to his ECE Industry Advisory Board at the University of Virginia;
- Numerous supporting commentaries received from stakeholders;
- WSJ Science Journal, Sharon Begley expressed intent to write a related column;
- Tau Beta Pi is serving as a key connection to student stakeholders;
- Arthur J. Schmitt is receiving well-deserved recognition for his pioneering efforts in engineering education.

### Selected Papers at:

[www.ece.northwestern.edu/EXTERNAL/Splitt/](http://www.ece.northwestern.edu/EXTERNAL/Splitt/)

- Engineering Education Reform: A Trilogy (2003)
- A Brief on Some Paradigm Shifting Schools (2003)
- Endorsements and Personal Commentaries Re: A Proposed Change to ABET EC 2000 (2002)
- An Odyssey of Educational and Environmental Initiatives: From National Information Infrastructure to the Fate of our Inland Lakes and Ecoefficient Design (2001)
- Birge and Juday Data: Application and Reliability Perspectives (2001)
- Wisconsin Lakes: A Trilogy (2000)
- The U.S. Information Industry: Creating the 21st Century (1993)
- The Industrial Needs of the Engineer in the 21st Century: An Update (1992-1993)
- Creating Our Common Future - Reflections on the 4 Es: Environment, Education, Energy, and Economics (1991-1993) + Sustainable Development (1993)
- The New Reality: A Call for Leadership (1988-1991)
- The Industrial Needs of the Engineer in the 21st Century (1986-1991)
- Too Few Generalists: A Problem for Engineering Education (1986)

# SURMOUNTING THE BARRIERS TO CHANGE – Noteworthy Examples and Possibilities

- Universities, Example: NU's *Engineering First*;
- Department Heads Associations, Example: ECEDHA;
- Professional Societies, Example: ASCE;
- Professors: Example: AEESP;
- Student Organizations, Example: Tau Beta Pi;
- Foundations, Examples: Carnegie and Schmitt

## *Engineering First* at Northwestern

Stephen H. Carr, Associate Dean and Professor  
Robert R. McCormick School of Engineering and Applied Sciences  
Northwestern University  
s-carr@northwestern.edu

### What Did We Learn?

- “Make No Small Plans” (Daniel Burnham);
- Keep focused on student learning;
- Engage the faculty, as many as possible;
- Listen to the learners;
- Leaders must lead by example; and
- Adequate resources are a must.

### What's Next for *Engineering First*?

- Continue to engage more faculty;
- “Speaking” integrated in discipline-specific capstone courses;
- New facilities, new building, and updated equipment building;
- Web-enabled pedagogy; and
- Design across the curriculum
  - Institute of Design
  - Commercial Design Firms

## Association of Environmental Engineering and Science Professors (AEESP)

April 2003 AEESP Newsletter

### Engineering Education Reform: A Trilogy

Something that will surely be of interest to many AEESP members is a trilogy of papers by Dr. Frank G. Splitt, Northwestern University. In Part I, *Environmentally Smart Engineering Education: A Paradigm in Progress*, Splitt states that sustainable development has become the dominant economic, environmental, and social issue of the 21<sup>st</sup> century, yet its broad infusion within engineering education programs remains a challenge. He goes on to discuss the importance of environment and sustainable development considerations, the need for their widespread inclusion in engineering education, and the impediments to change. Splitt believes that it is through the ABET engineering criteria that broad adoption of environment-related considerations in engineering education will most likely occur. An effort to close the environmental literacy gap that exists in most of our nation's engineering programs is discussed.

In the Foreword to the Trilogy, Dr. Irene Peden, Professor Emerita, University of Washington, states: “In a true missionary spirit, [Dr. Splitt] draws on extensive industrial experience, his participation in the early development of ABET EC 2000, and a substantial immersion in academe to provide his own noteworthy insights and a number of provocative ideas.”

A renewed campaign for systemic engineering education reform is developed in Part II of the trilogy, *The Challenge to Change: On Realizing the New Paradigm in Engineering Education*. In Part III, *Engineering Education Reform: A Path Forward*, the author lays out some of the core problems impeding systemic engineering education reform. The Trilogy can be viewed on the Web at URL: [www.ece.northwestern.edu/EXTERNAL/Splitt/](http://www.ece.northwestern.edu/EXTERNAL/Splitt/).

When we say we put engineering first at the McCormick School, it's not just a catch phrase: It's the foundation of the way we educate young women and men. From the start the McCormick curriculum emphasizes teamwork, creativity, and innovation. You will do engineering and work with engineering faculty members beginning your first term on campus.

ENGINEERING  
*first*

Our understanding of engineering as the creation of new things — materials, devices, processes — that people want and need requires the integration of engineering science, mathematics, physics, and communication skills. This approach to engineering gives our students the ability to define a problem, determine the objectives, and find an effective solution. Our emphasis on projects and the opportunities to gain experience in industry means that you'll have the sort of hands-on practical background that employers want and that our graduates tell us makes all the difference after graduation.

At McCormick the advantages of a major research university — state-of-the-art laboratories and libraries, major research initiatives and federally funded research centers, contacts in industry — are combined with the benefits of a smaller school — access to professors, a real commitment to one-on-one advising, small classes, and opportunities to excel. What's more, you'll be part of a diverse and energetic academic community on Northwestern's lakefront campus.

***Engineering First* is a consequence of the late Dean Jerry Cohen's involvement in the conceptual development of the ABET EC 2000 outcomes approach to accreditation (circa 1992).**

<http://www.mccormick.northwestern.edu/efirst/>



# Undergraduate Engineering Education —

## Time for Major Surgery

by Dr. Lawrence R. Harvill, California Epsilon, '58

*Calls for extensive revision of the undergraduate engineering curriculum as being made with increasing frequency. Most arguments for adding even more to an already over-crowded program for which only about one of five students is able to complete a "four-year" program in four years. The tight, lockstep programs with little or no room for a wider range of inquiry may be a factor in discouraging a range of students from an already decreasing pool. It is proposed that now is the time to return the B.S. program to a standard four years, the same as any undergraduate science or mathematics program, by eliminating all specialization and offering only one, broadly based degree. Specialization would be left entirely to graduate education. The resulting engineering graduates would be better prepared to handle the increasingly complex and multidisciplinary problems which face our society.*

FROM THE PROFUSION of articles, reports, and monographs that have appeared over the last few years, it is clear that undergraduate engineering education is faced with increased criticism and challenges. Article after article calls for curricular revision by presenting arguments for the inclusion of a variety of new or revised material. Among specific topics mentioned are requests for more: basic science,<sup>1</sup> CAD, CAM, CAE and others,<sup>2,3,4,5</sup> social sciences and humanities,<sup>6,7,8,9</sup> design emphasis,<sup>10</sup> practical experience (co-op, internships),<sup>11</sup> ethics and professionalism,<sup>12,13</sup> communication/writing skills,<sup>14,15</sup> and manufacturing technology.<sup>16</sup>

Each of these has been argued eloquently citing the need to better prepare engineering graduates to meet the needs of modern industry and society. For example, Jack L. Kerrebrock (Oregon Alpha '50) of MIT has stated, "First, that engineering undergraduates should have begun to understand the diverse history of human societies as well as their literary, philosophical, and artistic traditions; and second, that these students should have begun to understand environmental issues surrounding technical developments."<sup>17</sup>

Supportive arguments are also made that such enhancements are essential to help combat our declining international competitiveness.<sup>18,19</sup> To compound the problem, engineering education administrators continue to receive mixed signals from industry as to the knowledge and skills they expect new graduates to have. On the one hand, one frequently hears a call for B.S. graduates who can begin producing at a high level almost immediately.<sup>4</sup> Or as stated in other words, "... most companies

find that the contemporary graduate lacks the ability to step into a job and become immediately productive."<sup>20</sup> On the other hand, it is often argued that the graduates must be broadly educated to adapt to rapid changes in technology.<sup>11</sup> Coupled with this is the expressed desire for more exposure to the social sciences and humanities, as they are seen as essential in the development of strong leaders who can more ably deal with managerial problems. Such increased studies also help to enhance basic skills in written and oral communications.

It is clear that there is growing pressure to revise and expand the curriculum. However, another critical problem facing engineering educators is that of recruiting students. This problem is exacerbated in an era of declining numbers of high-school graduates with fewer electing to enter science and engineering.<sup>21</sup> It is believed that, "the number of 22-year-olds is projected to drop by more than 25 percent before the end of the century. Assuming the sciences and engineering continue to attract the same proportion of youngsters as they do today, the demographic change means that, as a nation, we will graduate fewer baccalaureates in science and engineering."<sup>22</sup>

Over the past six years the number of engineering has declined from 12% to 10%. When compared on an international basis, engineering education in the United States is dismal. Engineering baccalaureate degrees developed countries have 14 percent more graduates than we do.

Spring 1991

# Engineering and the Concept of the Elite

by Samuel C. Florman, New York Alpha '44

LOOK UP THE WORD IN ANY DICTIONARY. *Elite*: "The choice part; a superior group."  
*Elite*: "The choice or best of anything considered collectively."  
*Elite*: "The choicest part, particularly of a society; the pick; the flower."

It's not a word with which we're especially comfortable, either as Americans or as engineers. We tend to make fun of it. Some of you may recall the old radio program which opened with Archie the bartender answering the phone: "Duffy's Tavern, where the elite meet to eat!" Yet, it's an interesting word, elite, and I think that by talking about it we can learn some important things about ourselves — both as Americans and as engineers.

Appropriately enough, the word comes to us from the French; it stems from the verb *élire* which means "to elect," "to choose." I say appropriately not only because the French have a reputation for thinking of themselves as the elite among nations, but mainly because they were the people who first conceived of engineering as an elite profession. As far back as 1675, during the reign of the Sun King, Louis XIV, the French army created a special organization of military engineers — the *Corps des Ingénieurs du Génie Militaire*. At that time the *ingénieur*, which previously had signified a craftsman, was to take on professional connotation.

### Elite Tradition

Louis XV, the French governing corps to oversee the roads and roads. This organization is *Chaussees*. A school — the *École des Ponts et Chaussées* — was not a vocational school. The French perceived engineering as applied to practical problems. They introduced engineering not only in connections, water supply, and roads. The French applications of engineering were simply honored. The French were engineering and operational research."



# Creating Our Common Future

Reflections on the Four Es: Environment, Education, Energy, and Economics

by Dr. Frank G. Splitz, Illinois Alpha '52

"If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information that he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged, staggering from one crisis to another." So wrote the Club of Rome's Aurelio Peccei and Alexander King in 1977 when addressing goals for humankind.

### Clear, Present and Future Danger

IN THIS LIGHT, reflection on recent global and domestic events during the course of my year-long 2021 AD ComForum experience has led me to believe that the clear, present and future danger faced by the world in general, and the United States in particular, has to do with two polarities. The first is the ecologic polarity between human activities and the life-sustaining capacity of the Earth. The second is between the haves and have-nots ... the so-called North-South economic polarity addressed in the late 1970s by Willy Brant and his independent commission on international development issues.

These polarities are strongly interrelated as they both involve the closely coupled Four Es: Environment, Education, Energy, and Economics. In combination, these ecologic and economic polarities threaten the security of the world at large. More importantly, they represent two important dimensions of the real challenge we have before us ... the challenge to create a secure and sustainable future for all of us. This means meeting the needs of those alive today without compromising the ability of future generations to meet their needs.

As we approach the new millennium, there is a growing awareness that our world has changed dramatically. Through science, technology, engineering, and our expanding numbers, we humans have created a new reality. Central to this new reality is the fact that we are fast approaching the carrying capacity for meaningful life on this fragile planet Earth.

A salient response to this new reality came in 1983 when the United Nations General Assembly established the World Commission on Environment and Development. Chaired by Gro Harlem Brundtland, the commission was charged with proposing long-term strategies for integrating environmental protection and development. Their final report, *Our Common Future*, was published in 1987. It stated that the ways to sustainable development include equitable growth, impoverished countries and adoption of lifestyles that are within the planet's ecological means, particularly in the industrial world.

Indeed, all of this presents a formidable challenge, involving no less than the building of a comprehensive framework for our common future, a future beyond mere survival ... a

future that will ensure the continued evolution of the human species. Albert Einstein foresaw this challenge in 1946 when, with great insight, he declared: "The unleashed power of the atom has changed everything, save our modes of thinking, and we thus drift toward unparalleled catastrophe." This could be one of the most critical times in our history, as well as that of humankind. We cannot afford to drift; positive change demands new ways of thinking and doing ... a new way of being. As Senator Albert Gore put it in his recent book "The earth is in the balance."

### The Opportunity Today

Notwithstanding the seemingly overwhelming problems of the day, the opportunity exists to create our common future. However, to move beyond today's problems, and to ensure evolution toward a secure and sustainable future for all humanity, requires the individual and collective realization that we are living in a time of transition, sometimes characterized by great chaos and crisis ... a time of correspondingly great opportunity ... which could be the opportunity of Earth's lifetime. Successful seizure of the opportunity requires recognition that we are both part of the ecologic and economic polarization problems and a major part of a workable systemic solution. By we, I mean us ... all of us.

We can ill afford to be distracted from the main event issue ... ensuring the survival and continued evolution of the human species. There exists persuasive evidence that our Planet Earth is fast approaching the limits of its ability to support meaningful life. Explosive population growth, environmental degradation, and financial disequilibrium are the prime culprits with each feeding upon the other to multiply the overall negative impact. Continued reliance upon our old ways will assure accelerated slippage of the earth community toward virtual extinction while mesmerized by the twin illusions of prosperity and progress.

To me, this threat stresses the need for the unifying global paradigm: "we are one." Not only does the survival of the earth community depend upon our ability to change, to form new values, new ways of thinking, and a corresponding set of life-saving organizing principles, it also depends upon our ability to reorder our priorities and address a whole host of interrelated, main-event issues affecting our common future.

# Making a Difference in the Engineering Education of Tomorrow

HOW CAN I GET INVOLVED and make a difference, you ask? You may recall that this Mid-Atlantic Council has proposed to expand the extent of student involvement in the reform of engineering educational processes. With sponsorship from professional engineering societies, we plan to host a national convocation for students and recent graduates to make a significant contribution to the examination of the critical issues facing engineering practice and education in the new millennium. With opportunities for planning, coordinating, and participating in this convocation, our students will be directly involved in shaping the debate on national educational reform initiatives. With this experience, students will be better positioned to carry the message of engineering education to their contemporaries and practicing professional engineers as well as to the community at large through outreach and public-awareness activities.

There are significant roles for Tau Beta Pi alumni to play in this process. Engineering educators, chapter advisors and practitioners will be involved in many stages of the discussions. One anticipated outcome of this activity is to increase the visibility of the Society, the desirability of membership, the rate at which elected members are initiated, and the degree to which members contribute to Society activities after initiation and graduation. A more far-reaching objective is to improve public awareness, understanding, and recognition of engineers and engineering achievement among decision-makers, opinion leaders, and the general public. This activity is summarized below.

**CONCEPT:** Incorporating Student Perspectives on the Efficacy of Engineering Education in the 21st Century.

**ISSUE:** What aspects of engineering education and professional practice are important for framing the debate on potential reforms in the undergraduate engineering educational process? Educators have been asked. Industry has been asked. Engineering practitioners have been asked. Students in the United States have not had their say. Now they will.

**SUB-ISSUE:** To what degree (and how) should engineering students (and recent graduates) be involved in the debate on engineering education reform?

**PROPOSAL:** Conduct a series of national days gathering activities to elicit input on these issues from current engineering students and recent graduates (6-5 years experience). The activity will be a multi-phased se-

ries of web-based exercises culminating in a national convocation involving engineering students, educators, and practitioners. The process would be facilitated by Tau Beta Pi and sponsored by leading engineering professional societies and corporations.

### PROCESS:

Step 1. Executive Council and a committee of District Directors define preliminary issues and develop survey instruments to elicit responses.

Step 2. As a national project, Tau Beta Pi chapters conduct surveys (paper and e-mail) on individual campuses to sample reaction to the issues set from all engineering students. Surveys of recent engineering graduates will also be conducted by Tau Beta Pi alumni chapters and selected corporate units.

Step 3. Select group of 100 participants from TBP Districts and alumni chapters and selected corporations engage in a synchronous, on-line threaded discussion of survey results to refine the issue list.

Step 4. Students and graduates vote via the web to prioritize the issue categories and sub-issues in order of relative importance.

Step 5. Executive Council and others tabulate the voting results and prepare preliminary report.

Step 6. Results of the entire exercise are presented and debated during a two-day national convocation of students, graduates, educators, and practitioners.

Step 7. After deliberation to consensus, an action plan is developed with implementation details.

The overarching objective is to determine what changes should be made in the undergraduate engineering educational experience to better prepare graduates for engineering and the real world. Among the critical issues are social and ethical responsibility, responsiveness to changing technology, life-long education and training, images and traditions of engineers, and professional engineering practice.

The future of our profession depends in part upon the energy, involvement, and fortitude of our membership in furthering the legacies of engineering. Here is an ideal chance for you to G.I.V.E. (Get Involved in Validating Engineering).

Jerry A. Atkins, Executive Councilor

## SURMOUNTING THE BARRIERS TO CHANGE – Complementary Forces

- ABET EC 2000
- NAE Four-Part Strategy
- NSF Engineering Education Programs

## ABET Can Play Key Role

- EC 2000;
- Continuous Program Improvement;
- Industry Advisory Council (IAC);
- UIUC ECE Experience.

*“How can ABET assure that the intent of EC 2000 is implemented effectively – both in the accreditation process itself and in its impact on educational programs? How can ABET assure that the highest standards are maintained in the selection, training, evaluation, and (if necessary) removal of program evaluators and team chairs?...None of these questions can be answered easily and quickly, but ABET leadership must ask them continually and work cooperatively with ABET constituents to define viable responses. Among the strategies that might be pursued productively in developing such responses....Establish an ongoing process to track and review these assessment results and to recommend accreditation changes as required.”*

John W. Prados

Reference: John W. Prados, "The Road Ahead", Keynote address at the 2002 ABET Annual Meeting, *The 2nd National Conference on Outcomes Assessment for Program Improvement*, Accreditation Board for Engineering and Technology, Inc., 111 Market Place, Suite 1050, Baltimore, MD, 21202-4012; <http://www.abet.org>.

## ABET Related Comments

ABET EC 2000 urges engineering schools to develop and implement a continuous program improvement process (CPI).

- Using ABET EC 2000 for accrediting programs in engineering and for stimulating continuous quality improvement of these programs requires several other steps, some by the engineering schools and some by ABET.
- A key step for ABET would be the articulation of a *new accreditation process* for using EC 2000 for the dual purpose of accrediting engineering programs and program improvement. This new process must: 1) be user friendly; 2) provide greater communication between ABET (the ABET staff and ABET teams) and the institution; and 3) focus on program improvement rather than just meeting minimum requirements.
- The new accreditation process (ABET Accreditation Process) should be readily recognized as significantly different from the present process in ways that address the concerns offered about the process used in the recent past.
- The focus of changes for the ABET accreditation process should be on: 1) making the process user friendly (for both the school and ABET); 2) providing improved communication between ABET (staff, team chairs, program evaluators) and the schools (deans, department chairs, engineering faculty with responsibility for continuous program improvement and accreditation); and 3) organizing and describing the process in terms that emphasize the continuous improvement aspect.

## Further Thoughts and Suggestions

Engineering schools need to understand the great inherent value of the CPI process they implement for ABET accreditation of their program(s) – including the accreditation of the programs *and* the continuous improvement of the programs to meet the goals and objectives *the school* has articulated for the programs.

ABET needs to consider implementing:

- The accreditation process in a way that facilitates realization of the full potential and the stated objectives for the process. This, in turn, requires ABET volunteers (program evaluators, team chairs, EAC officers, ABET Officers and Directors) and staff be carefully selected, appropriately trained, and provided with proper guidance for these responsibilities.
- A periodic review process for ABET EC 2000 and the ABET Accreditation Process. The objective of the reviews would be to provide a vehicle for identifying requisite changes in engineering education – facilitating a timely response to the changing needs of its stakeholders. The ABET Member Societies should have a designated role in this review process.

*“Why is ABET EC2K a beauty and not a beast? ...if implemented in the spirit of its conception, it is the one activity and the only activity that brings together the faculty, even of large and diverse research-oriented departments like ours, for the benefit of undergraduate engineering education on a continuous basis. ...perhaps the overarching reason, why EC2K should be considered the most beneficial thing that has happened to undergraduate engineering education in the last several decades.”*

N. Narayana Rao, 2002  
UIUC-ECE

Reference: N. Narayana Rao, "ECE Illinois Implements Its ABET ECE2K Model with Successful Conclusion", Presentation at the 2002 ABET Annual Meeting, *The 2nd National Conference on Outcomes Assessment for Program Improvement*, Accreditation Board for Engineering and Technology, Inc., 111 Market Place, Suite 1050, Baltimore, MD, 21202-4012.

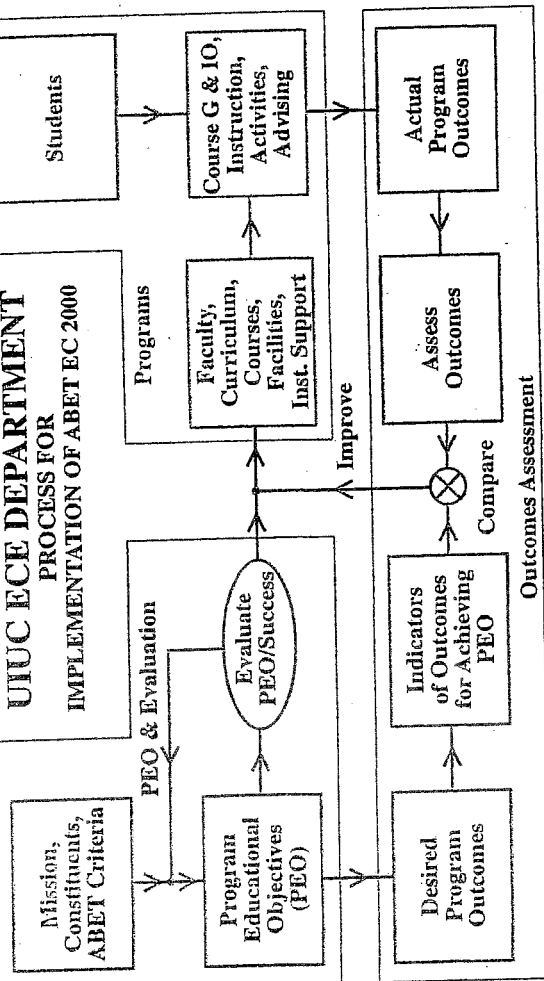


Figure 1. Process for implementation of EC2000 for the two programs of the UIUC ECE department.

**ECE ILLINOIS**  
Department of Electrical and Computer Engineering

Courtesy N. Narayana Rao  
University of Illinois at Urbana-Champaign

## ENGAGING ECE FACULTY ON ABET EC2000 AND COMMUNICATING WITH CONSTITUENTS

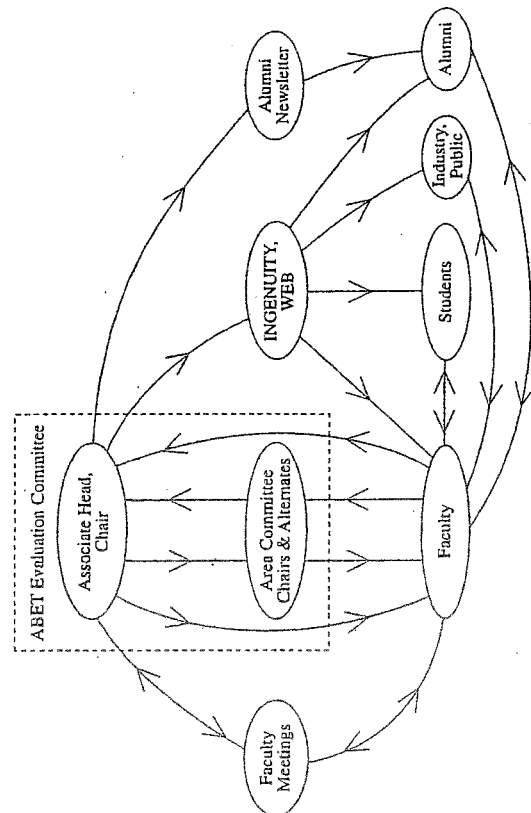


Figure 2. Structure for engaging ECE faculty and communicating with constituents about the EC2000 process.

**ECE ILLINOIS**  
Department of Electrical and Computer Engineering

Courtesy N. Narayana Rao  
University of Illinois at Urbana-Champaign

## The NAE's Four-Part Strategy

- Committee on Engineering Education (CEE);
- Bernard M. Gordon Prize for Innovation in Engineering and Technology;
- Engineer 2020 Project;
- Center for the Advancement of Scholarship in Engineering Education (CASEE).

*Criteria for membership was expanded to more fully recognize contributions to engineering education.*

*"...The NAE's four legged stool is intended to make a strong statement about the Academy's concern for, and recognition of the need to adopt change in a timely manner."*

William A. Wulf, 2003

*"...one of the purposes of the new Center for the Advancement of Scholarship on Engineering Education is to provide the education research base that will support systemic reform of engineering education."*

– Norman Fortenberry, January 2003

## NSF Engineering Education Programs

- Coalitions;
- New Centers – CAEE and CIRTL;
- Supported Workshops, Examples: Bucknell, and Harvey Mudd; and
- *Time to Rethink Engineering Education.*

### *Time to Rethink Engineering Education*

by Bruce Kramer, Director  
NSF Division of Engineering Education Centers  
Selected Charts Re: University of South Florida, 3/6/03

## NSF High-Level Strategy

- Attract more students into engineering studies; and
- Provide an attractive curriculum that keeps them engaged in the process of becoming engineering professionals.

## NSF Engineering Education Strategy

1. Build bridges between engineering and education faculty;
2. Develop current and future faculty;
3. Revitalize and update engineering curricula;
4. Integrate research and education; and
5. Encourage industry to view engineering education as a shared problem requiring joint action.
  - We need industry help!
  - ABET EC 2000 made these initiatives possible;
  - Industry has been in the forefront in pointing out the need for change; and
  - Professional Societies can play a critical role in identifying vanguard programs of their choice.

# THE PATH FORWARD – WHAT TO DO

- > FOSTER DIALOGUE
- > HARNESS CAPACITY...BROADEN BASE
- > CREATE FORUMS TO:
  - Catalyze relationships with academic colleagues who aim at the realization of the same or similar goals;
  - Assure Closer University and Industry Interaction Promote Public Awareness;
  - Maximize involvement of stakeholders via Professional Societies, Student Organizations,...
  - Work toward the continuous improvement of the ABET EC2K Process at local and national level.
- > CREATE OUR COMMON FUTURE

***“Watch what we do, not  
what we say.”***

John N. Mitchell

**Listen to what is said, but  
watch what is done  
*and not done.***

## Put First Things First – Covey’s Third Habit

### The Important Can:

- > Be the “right thing” to do, but not Urgent;
- > Be of great long-term strategic value;
- > Be deferred as a first-thing-action item; and
- > Require very scarce “Round 2-Its”

### The Urgent Can:

- > Exhaust limited available time;
- > Divert attention from the Important;
- > 'Stall' doing an Important right thing;
- > Inhibit long-term progress; and
- > Not be truly Important or even  
the right thing to do.

**Take time to work on the Important –  
don’t stall out on the Urgent!**

References: Steven R. Covey, *7 Habits of Highly Effective People*;  
Steven R. Covey, et al, *First Things First: To Live, To Love, To Learn,  
To Leave a Legacy*

**“...If you want the world to  
reflect your vision and your  
ideals, you will have to roll up  
your sleeves and become an  
innovator. But when you're  
innovating, keep this thought  
in mind: having the skill *to do  
things right* is not enough;  
*doing the right thing* must be  
your aim....”**

Joseph Bordogna  
May 2002

## THE UPSHOT AND A LOOK FORWARD

*“If you keep doing what you have always done, you're going to get what you always got.”*

Roderick G. W. Chu  
*The Chronicle of Higher Education, 1998*

The introduction of ABET Engineering Criteria 2000 and the establishment of the NSF Engineering Education Coalitions are seminal events on the path to implementing a new paradigm for engineering education.



It used to take a rush for federal research \$\$\$.  
Now it will take propagating SEER memes,  
customer demand and TIME!

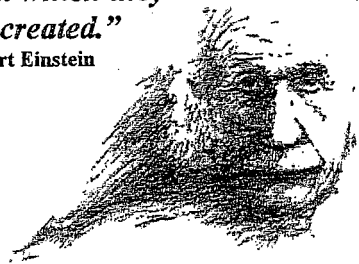
Despite the challenging environment and the difficulties involved, resiliency can be seen in the effort to realize the new paradigm for systemic engineering education – resiliency that is essential in responding to what ought to be considered among the grander challenges of the 21st Century.

*“...think of time as a continuous flow, rather than a series of segmented packages... Or at least to recognize that neither technology nor efficiency can acquire more time for you, because time is not a thing you have lost. It is not a thing you ever had. It is what you live in. You can drift in its currents, or you can swim.”* – James Gleick, *FASTER*

*FASTER: The Acceleration of Just About Everything*, Partheon Books, 1999.

*“Problems cannot be solved in the context in which they were created.”*

Albert Einstein



**It's About Time  
To Take Time  
To Do the Right Thing!**



# Systemic Engineering Education Reform A Grand Challenge

by Dr. Frank G. Splitt, *Illinois Alpha '52*

**W**E CANNOT KNOW EXACTLY what the future will bring; however, we can predict with certainty that engineering schools and engineers will be called upon to satisfy a multiplicity of needs in the years to come. These needs may relate to knowledge and expertise, for example, in more secure and efficient physical facilities and information networks, advanced asynchronous learning systems, earth systems, and ecoefficient design of complex systems. Engineers will ponder problems involving world cultures, religions, ethics, and economics, as well as new technologies. They will also be concerned with other unforeseen questions of local, national, or global significance. The new paradigm for engineering education goes beyond the need to keep students at the cutting edge of technology and calls for a better balance in the various areas of engineering school scholarship. Commitment to the realization of the new paradigm will yield renaissance-engineer graduates with the tools to face an unpredictable future with confidence in their abilities and yield untold benefits to the world in which they will live. After presenting a brief historical background on engineering education reform, this article summarizes related problems and the current status of various reform efforts. Both a basic understanding of the new paradigm and the need and urgency of engineering education reform can be grasped from a reading of the four questions and answers in the screened box.

## SOME HISTORICAL PERSPECTIVES

A myriad of articles, papers, books, and workshop and conference proceedings have made a compelling case for systemic engineering education reform. Among these are the 1994 joint project report on *Engineering Education for a Changing World* by the Engineering Deans Council and Corporate Roundtable of the American Society for Engineering Education (ASEE) [1], the 1995 Report by the Board on Engineering Education of the National Research Council (NRC) [2], and the recent call for change by the National Academy of Engineering (NAE) leadership, William A. Wulf, president, and George M.C. Fisher, *IL A '62*, chair [3]. Although there has been progress, resistance to change continues unabated in spite of the numerous calls for action, increasing competition from alternate service providers, as well as student-pipeline and job-security issues [4, 5]. A survey conducted by the Boyer Commission indicated that research universities have invested considerable effort in

improving undergraduate education in recent years; “*but it also suggests that most efforts have been directed at the best students; the challenge for almost all is to reach a broader spectrum of students*” [6].

The introduction of new, outcomes-based accreditation criteria, *Engineering Criteria 2000* (EC 2000) by the Accreditation Board for Engineering and Technology (ABET), and the funding of a number of programs

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related to systemic engineering education reform by the National Science Foundation (NSF) in the early 1990s are seminal events on the path to a new paradigm for engineering education. The 1998 Engineering Foundation Conference provided further impetus. Co-chair Edward W. Ernst, *IL A '49*, University of South Carolina, reminded the participants that intense discussions beginning in the late 1980s, coupled with several conferences, workshops, and studies “*produced a consensus about what engineering education should be—what the stakeholders expect in the content of the curriculum, innovative approaches to teaching, and involvement of students. Achieving the change needed in engineering programs across the country has become the current barrier that must be surmounted for engineering education to realize the new paradigm for engineering education and to serve the stakeholders even better.*” [7]

Achieving change via engineering education reform presents a formidable challenge, given academe’s interest in preservation of the status quo where publications and research funding drive rewards and recognition. It is part of the overarching challenge of change faced by universities and colleges throughout our nation, as described by former president of the University of Michigan, James J. Duderstadt, *CT A '64*, [8] in his

# Systemic Engineering Education Reform: Some FAQs

- 1. Why is a large change such as that implied by “engineering education reform” needed?** Engineering graduates need to be significantly better prepared for the 21st-century engineering workplace. Although the (now) traditional engineering education offered at most of our engineering schools provides a good education about the technical aspects of engineering, other areas such as communication competence, ethics and professionalism, sustainable development and the environment, working in teams, the current approach to quality, focus on customer needs, “business” practices, fundamentals of entrepreneuring and “intrapreneuring,” and other non-technical areas seem to receive little or no attention in many engineering programs. Therefore, many engineering graduates do not have the breadth of jobs available to them they could have. Qualified engineering students at the freshman and sophomore level fail to see engineering as a profession that helps people—one that focuses on meeting people’s needs—and/or they find the learning environment unsatisfactory and transfer to another field of study.
- 2. Why can’t incremental change make the needed changes in an appropriate time frame?** Fundamental structural, sometimes concurrent, changes are needed—not just changing a few courses. Active, integrative project-based learning needs to replace much of the passive lecture-based instruction. Instructional programs and strategies should focus on attracting and retaining more of the “best and brightest” students with diverse learning styles. To make these changes, faculties need to change their view of what engineering education should be.
- 3. Why do we need to recognize leadership and systemic change in engineering education now?** Those taking leadership roles in engineering education reform will need to devote a significant portion of their time and energy for an extended period to implement the engineering education reforms needed. We also need to involve some of the best minds among our faculties. Without recognition and reward for their efforts, the “best” likely will choose other places to put their efforts, e.g., disciplinary research and securing funding.
- 4. What are attributes of the new paradigm driving engineering education reform?** No doubt, some details in the following list of attributes will change over time; however, programs that reflect these attributes should yield graduates better prepared for the 21st century engineering workplace: Encouragement of diverse student academic backgrounds and faculty dedicated to developing emerging professionals; Connection of solid mathematics and scientific knowledge foundation with engineering practices; Maintenance of regular, well-planned interaction with industry—including industry-based projects; Integration of subject matter, concepts, issues, and principles—including relationships to earlier subject matter; Emphasis on inquiry-based learning and preparation for lifelong learning, with much less dependence on lectures; Stress on integrative, systems thinking, coping with change, communication skills (listening, speaking, reading, and writing), teamwork, and group problem-solving skills (from identification through analysis and resolution); Focus on design issues involving life-cycle economics, environmental impact, sustainable development, ethics, timeliness, quality, health & safety, manufacturability, maintainability, social, legal, standards, and *ad hoc* concerns.

comprehensive analysis of the issues and the need for new paradigms. This is a complex age of rapid change where different points of view and conflicting interests characterize the stakeholders who often resemble disconnected parties.

Recent times have seen no clear path forward and an apparent absence of focused, action-oriented leadership. Also, the engineering education reform movement has been clouded by mixed, and sometimes disquieting, messages of equivocation that could be interpreted as disclaimers or “escape clauses”—saying, in effect, that there need be no sense of urgency about engineering education reform [9]. So systemic change continues to proceed at geologic speed despite the ardent efforts of Norman R. Augustine, *NJ A ’57*, and Charles M. Vest, *WV A ’63*, during the mid-1990s. Why might this be so, and what might be done to accelerate the pace of change? The answers to these questions are complex,

institution dependent, and not amenable to a one-size-fits-all resolution. However, it is possible to identify a few of the major barriers to change along with courses of action that are now helping to catalyze change.

## THE BARRIERS TO CHANGE

There is more behind the reticence of some of our engineering schools to adopt change than complacency, indifference, forgetfulness, and even the routine resistance to change that characterizes organizations and institutions that consider themselves “successful” in doing what they are currently doing. Apparently, powerful interrelated counter-reform forces are working to maintain the status quo. These forces can be attributed, in part, to a cultural problem that stems from the patterning of the academic engineering community after the academic scientific community—where published research is prime—rather than professional communities

such as legal and medical. Consequently, engineering faculty are largely deficient in the practices of engineering and have little or no firsthand knowledge or experience to pass on to students being educated for careers in engineering practice as opposed to research. Systemic engineering education reform is at least partially dependent on the resolution of this and other interrelated problems; of these, the following are considered core problems:

#### ACADEMIC RESISTANCE TO CHANGE AND TO ABET OVERSIGHT

In the academic variant of the “innovator’s dilemma” [10], many of our research-intensive universities, faced with enormous financial pressure, struggle to maintain and grow the (largely) government-fueled, resource-intensive infrastructure created to pursue their research missions [8]. Apparently, they feel that they cannot afford to invest significant resources in undergraduate engineering education reform where they perceive little, if any, near-term gain in the way of financial rewards or other payoffs that will help support their primary research mission.

It has been recommended that the ASEE engineering dean’s council work cooperatively with ABET in its reassessment of accreditation criteria in accordance with a wide variety of suggested changes [2]. These changes are not likely to take place in most engineering programs without a strong forcing function, for example, pressure from prime customers—industry and students—that may be reflected in ABET criteria. The apparent opposition-to-reform strategy is to treat ABET in an adversarial manner, providing as little support as possible—reflecting the relatively low value placed on activities that are not related to the school’s research mission. Also, if undergraduate engineering education is not a high priority item on campus, how can overburdened faculty be expected to consider ABET-related work important? The relationship between industrial firms and OSHA offers an insight into the adversarial relationship between engineering schools and ABET.

In view of increasing competition and advanced technology delivery systems, it has been argued [11] that it is in the long-term-economic self interest of our engineering schools to position themselves in the shifting educational marketplace by implementing programs that reflect change, such as those outlined in the references [1, 2, 7]. This could be a situation where anecdotal and inferential evidence is all that we will have; after the shift arrives in force, it will be too late for the schools to deal with it—the market already will have decided.

Achieving and maintaining the needed changes in academic culture is a long-term effort. It requires the identification, support, and nurturing of change agents in engineering schools across the country. A related issue appears to be maintaining sustained administrative support for change. Engineering deans cannot realistically mandate a culture change, but they can set a tone and use their limited discretionary funds to help assure that change is not stifled when it appears. Again, we need to ensure that engineering education receives significant

attention from some of the best minds in the engineering community. Those who make innovative undergraduate engineering education a dominant part of their contributions will do much to improve student retention and encourage graduate study, to the ultimate benefit of the academic research community.

*If you keep doing what you have always done, you’re going to get what you always got.*

Roderick G.W. Chu

#### LACK OF RECOGNITION FOR EDUCATORS

The dearth of prestigious, national-level rewards and recognition for high-quality contributions to engineering education—particularly, election to membership in the NAE—is considered to be one of the root causes for the slow and halting progress of systemic engineering education reform. The problem stems from the relatively low value placed on undergraduate engineering education reform by many engineer-researchers and the institutions that profit from their contributions. It is likely that some academic institutions will not want to “waste” effort and political capital, as well as risk missing a possible increase in *US News and World Report* rankings, on faculty candidates from a “who-cares” area—engineering education—with relatively low-payoff in terms of prestige and peer recognition. This presents a great opportunity for the NAE to focus the attention of the academic community on the high value it places on engineering education.

*Unless, and until, major industrial leaders whose views are generally respected speak out . . . that they will not hire engineers unless the engineers have the broader ‘new paradigm’ education, academics will continue to pursue their present course.*

Karl Martersteck

#### LACK OF FORCEFUL INDUSTRY INPUT

Without strong input from industry, the academic engineering community is not likely to institute changes in engineering programs, a point well made by Karl Martersteck, a retired corporate executive and member of the NAE: “Industry must establish the ‘requirements’ for the quality and education of the engineers they hire. Unless, and until, major industrial leaders whose views are generally respected speak out and say that they will not hire engineers unless the engineers have the broader ‘new paradigm’ education, academics will continue to pursue their present course” [11]. Unfortunately, the long-term views of industrial leaders often are not communicated to company representatives on ABET committees and engineering-school advisory boards or to project managers and campus recruiters who write and execute requisitions—knowing their firms are being evaluated in the marketplace by share price and they on near-term results. Industrial leaders can also work to treat engineers as professionals rather than as “commodities” [5].

## SURMOUNTING THE BARRIERS TO CHANGE

Notable leaders in engineering education such as: Wayne Bennett, *MD A '57*; Joseph R. Bordogna, *PA A '55*; Edward W. Ernst, *IL A '49*; Lyle D. Feisel, *IA A '61*; Eli Fromm, *PA Z '62*, Jerrier A. Haddad, *NY A '45*; Irene C. Peden, *WA A '47*; and John W. Prados, *TN A '54*, have helped fashion a compelling argument for a Campaign for Systemic Engineering Education Reform. The ultimate aims of the campaign are to surmount the barriers to change and so provide students with significantly better preparation for the 21st century engineering workplace and to help attract and retain more of the “best and brightest” students on campus, as well as to involve some of the best minds among our faculty.

The campaign is all about enlightening and motivating the various stakeholders in engineering education—showing that the (remarkably consistent) changes recommended by ASEE, NRC, and by the NAE's Wulf and Fisher [1-3], are not only feasible, but that it is in the current and future self interest of our engineering schools to embrace the changes appropriate to the context of their institutions, student bodies, faculties, and objectives. To this end, the International Engineering Consortium published *Engineering Education Reform: A Trilogy* [9], as a service to academe, government, and industry. It is now serving as the white paper for the campaign.

*There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.*

Niccola Machiavelli, *The Prince*, circa 1512

Substantial progress has been made on the distribution of the *Trilogy* and discussion of its aims. The various stakeholders in the future of engineering education have been contacted—including administrators, faculty, department-head associations, students, parents, professional societies, and organizations, as well as governmental and business leaders. This distribution strategy represents a crosscutting, bottom-up/top-down approach to promoting debate of the issues surrounding systemic engineering education reform. The objective is to have readers of the *Trilogy* use the publication to raise awareness of the issues surrounding systemic engineering education reform as well as of “what works” and “what could work”—ultimately leading to campus action. A key success factor will be the widespread promulgation of the ideas related to systemic reform via massive networking—moving stakeholders to awareness-to-understanding-to-commitment-to-action. Well-reasoned arguments, perseverance, and a multitude of voices will catalyze conversations essential to progress. Although these conversations may very well continue for years, they will nevertheless hasten the time to the realization of systemic reform. As will be seen in the following, progress is being made on multiple fronts.

## NOTEWORTHY ACTIVITIES AND POSSIBILITIES

A number of engineering schools have made significant changes in their undergraduate programs—on their own or with the help of NSF and other grants [11]. These changes encompass all or some of the attributes of the new paradigm. Also, there is much to be mined from the work done by the NSF-supported engineering-education coalitions and research centers, as well as from pacesetter engineering schools. An outcomes assessment of the tools, processes, and methodologies that have already been developed, as well as the breadth and depth of their adoption and penetration, would be of value. For example, under the direction of Sheri D. Sheppard, *WI A '78*, a Carnegie Foundation project is focusing on this kind of assessment [12]. The project uses a model of engineering practice as it studies

*The introduction of ABET Engineering Criteria 2000 and the establishment of the NSF's engineering education coalitions are seminal events on the path to implementing a new paradigm for engineering education.*

engineering education and addresses the basic question: “what are the teaching and learning practices that comprise an engineering education, and how are these related to engineering practice?” Assessments of this type could provide the basis for a modular recipe book of best practices—models of “what works” for schools willing to participate in the next wave of change. The next step involves making it attractive for schools to commit themselves to change from what they do now to something approaching an appropriate model. Examples of other related activities follow.

Under the leadership of Jeffrey S. Russell, *OH B '85*, chair of a task committee of the American Society for Civil Engi-

neers, progress is being made with education reform within the civil engineering profession as it develops a vision for the full realization of a policy regarding the first professional degree—and a strategy for achieving that vision [13]. Second, the Electrical and Computer Engineering Department Heads Association is pursuing several activities that can lead to change in engineering education—including sessions at their annual meetings that deal with trends in curricula and the sponsorship of a special edition of the *IEEE Transactions on Education* that is focused on the future of electrical and computer engineering education. As a last example, the International Engineering Consortium is developing asynchronous-learning resources in the form of web portals for high-

school and university students—addressing student-pipeline issues, especially the attraction and retention of women and minorities—and for university students, providing materials and courses similar to their *ProForums* and *iForums* that can be used as supplemental education modules that offer professional enrichment materials and information about the industrial workplace.

#### ABET PLAYS A KEY ROLE

Resistance to ABET oversight and accountability notwithstanding, the outcomes-based structure of ABET EC 2000, coupled with its call for greater documented involvement of engineering education “constituencies,” provides a key for change and for keeping the change fresh on a program-by-program basis. A strong, credible, and respected accrediting organization plays an essential role in the realization of systemic engineering education reform. ABETs industry advisory council can support industrial representatives on the various ABET committees and commissions—identifying what is needed and insisting that change occurs.

#### THE NATIONAL ACADEMY'S FOUR-PART STRATEGY

The NAE announced the establishment of a Center for the Advancement of Scholarship in Engineering Education in September 2002—capping a commendable four-part strategy to raise the prominence and effectiveness of engineering education. A purpose of the center is to provide the education research base that will support systemic reform of engineering education. During the 1999-2001 period, the NAE established a committee on engineering education, expanded its criteria for membership to more fully recognize contributions to engineering education, and established the Bernard M. Gordon [MA B '48] prize for innovation in engineering and technology education, a \$500,000 award to emphasize the importance of education to the future of engineering.

The expansion of the criteria for NAE membership is a most encouraging first step. It has been suggested that the academy give consideration to a follow-up action—recognition of engineering education as a principal NAE activity—assuring a sustainable election process for worthy candidates and focusing the attention of the academic community on the high value the NAE places on engineering education [9]. It has also been suggested that the academy help facilitate the development of a strong, credible, and respected ABET—encouraging ASEE's engineering deans council, engineering professional societies, and other appropriate groups to follow the NRC recommendation to work with ABET in its reassessment of accreditation criteria in accordance with the types of changes outlined in its report [2].

#### NSF COALITIONS AND CENTER ANNOUNCEMENTS

Through cross-collaboration, the NSF engineering education coalitions developed intellectual exchange and resource links among undergraduate engineering programs. Annual *Share the Future Conferences* were initiated in 2000. These workshops have centered on topics relevant to coalition goals—providing the extended engineering education community an opportunity to share in the research findings and experiences. The 2003 *Share the Future IV Conference* held in March was organized by the foundation coalition's Jeffrey E. Froyd, *IN B '75*, [14].

The NSF-sponsored Center for the Advancement of Engineering Education (CAEE) opened in January 2003 with an initial five years of support. Cynthia J. Atman,

*WV A '79*, University of Washington, serves as the director of this center that also includes Stanford University, Howard University, and Colorado School of Mines. CAEE will pose and answer basic questions about how students learn engineering, how to support faculty in learning about and adopting more advanced teaching methods, and how to foster the development of future generations of engineering education researchers, as well as leaders and change agents in engineering education.

The NSF also announced the Center for the Integration of Research, Teaching, and Learning. A five-year grant will allow this center to focus on

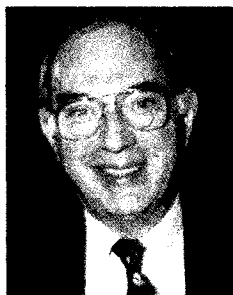
*Despite the challenging environment and the difficulties involved, resiliency can be seen in the effort to realize the new paradigm for systemic engineering education—resiliency that is essential in responding to what ought to be considered among the grander challenges of the 21<sup>st</sup> century.*

questions surrounding science, technology, engineering, and mathematics (STEM) Ph.D. education, as well as the integration of teaching into this education. The center is a collaboration of faculty and educational researchers at the University of Wisconsin-Madison, Michigan State University, and Pennsylvania State University who will work to develop: a future national STEM faculty, enabling all students to achieve STEM literacy; teaching that enhances recruitment into STEM careers; and leadership that ensures the continued advance of STEM education. The center will treat the improvement in teaching as a research problem and may well change the way that science and engineering are taught.

Recent remarks by J.R. Bordogna, NSF deputy director and chief operating officer, focused on the overlapping roles and responsibilities of educators and engineers in the continuing progress of society—providing opportunities to explore elements of a framework for crossing boundaries and working together [15]. In addition to the aforementioned NSF program investments, he also referred to its *workforce-for-the-21st-century* and *faculty-for-the-future* programs to illustrate additional directions for productive collaboration among engineers and educators.

#### THE UPSHOT AND A LOOK FORWARD

The challenge of gaining acceptance and endorsement of the value of the reform's aims and related pedagogical innovations presents a unique opportunity for collaborative efforts on the part of faculty, administrators, students, departmental associations, industrial leaders, national and professional organizations, and funding agencies. The new NSF and NAE centers will certainly enhance the educational knowledge base and skill pool to help propel ever more engineering schools to build on the successes of others to broaden the reach of systemic reform. Proven methodologies and knowledge gained as to what does and does not work should make it possible for most engineering schools to devise revitalization programs that fit the context of their institutions, students, faculties, and objectives. Despite the challenging environment and the difficulties involved, resiliency can be seen in the effort to realize the new paradigm for systemic engineering education—resiliency that is essential in responding to what ought to be considered among the grander challenges of the 21st century.



Frank G. Splitt, Illinois Alpha '52, received a B.S.E.E. from the Fournier Institute of Technology in 1952 and an M.S. and a Ph.D. in electrical and computer engineering from Northwestern University in 1957 and 1963, respectively. He is the McCormick faculty fellow of telecommunications, McCormick School of Engineering and Applied Science, Northwestern University, and vice president emeritus of educational and environmental initiatives, Nortel Networks. His professional career covered research and development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs. He is a member of the American Society for Engineering Education, a fellow of the IEC, and a life fellow of the IEEE. His interests involve research and planning for the future of engineering education and environmental conservation. He can be reached at: [fgsplitt@ece.northwestern.edu](mailto:fgsplitt@ece.northwestern.edu).

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# COMMENTARIES ON THE CAMPAIGN FOR SYSTEMIC ENGINEERING EDUCATION REFORM (A.K.A. THE SEER CAMPAIGN)

## COMMENTATORS

**Robert Aaron**, President, Contemplating Consulting, (former) Department Head, Bell Laboratories, Member NAE  
**Eleanor Baum**, Dean of Engineering, The Cooper Union  
**Frank Barnes**, Professor of Electrical and Computer Engineering, University of Colorado-Boulder, Member NAE  
**Richard C. Becker**, Chairman, Arthur J. Schmitt Foundation, Emeritus President, Illinois Benedictine University  
**A. Wayne Bennett**, Dean, James Worth Bagley College of Engineering Mississippi State University  
**Theodore A. Bickart**, Accreditation Policy Council Chair, IEEE Educational Activities Board, (former) President, Colorado School of Mines  
**David E. Blockstein**, Senior Scientist, National Council for Science and the Environment  
**Shlomo Carmi**, Dean, College of Engineering, University of Maryland Baltimore County, Vice President, Engineering Education, ASME  
**Elaine Craft**, Director, SCATE Center of Excellence & National Resource Center for Engineering Technology Education, Florence-Darlington Technical College  
**Devra Lee Davis**, Visiting Professor, The H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, Member, Chemical Safety and Hazard Investigation Board (1994-99), former Senior Advisor to the Assistant Secretary for Health  
**James Duderstadt**, President Emeritus and University Professor of Science and Engineering, University of Michigan, Member NAE.  
**Edward W. Ernst**, Distinguished Professor Emeritus, University of South Carolina.  
**Lyle Feisel**, Vice President, IEEE Educational Activities Board, Dean Emeritus (retired) of the Thomas J. Watson School of Engineering and Applied Science at the State University of New York at Binghamton  
**Eli Fromm**, University Professor and Director for Center of Education Research, Drexel University  
**Mike Gorman**, President and CEO, New-TRAC Consulting, Retired Vice President-Corporate Standards and New Technology Development, Ameritech  
**Jerrier Haddad**, (retired) Vice President, IBM, a Past President of ABET, Chair, (1980s) NRC Committee on the Education and Utilization of the Engineer, Member NAE  
**Frank P. Incropera**, Matthew H. McCloskey Dean of Engineering, University of Notre Dame, Member NAE  
**Russel Jones**, Editor, International Engineering Education Digest, (former) President, University of Delaware  
**Stanley N. Katz**, Professor, Woodrow Wilson School, Director, Center for Arts and Cultural Policy Studies, Princeton University  
**William E. Kelly**, Professor of Civil Engineering and former Dean of Engineering, Catholic University of America, Chair, ASEE Engineers International Roundtable  
**David W. Knudsen**, (retired) Associate Professor of Electrical Engineering at the University of Southern Maine  
**David G. Lee**, Director, Manufacturing Engineering Program Engineering & Science, University of Detroit Mercy, President, Society of Manufacturing Engineers  
**Alan I. Leshner**, Chief Executive Officer, American Association for the Advancement of Science.  
**John H. McMasters**, Technical Fellow, The Boeing Company  
**Malcolm J. McPherson**, (Interim) Dean, College of Engineering, Virginia Tech  
**Irene Peden**, Professor Emerita, University of Washington, Member NAE  
**Catherine A. Peters**, Associate Professor Dept. of Civil and Environmental Engineering, Princeton University, President, Association of Environmental Engineering and Science Professors (AEESP)  
**John W. Prados**, Vice President Emeritus and University Professor, The University of Tennessee  
**Peter Raven**, Director Missouri Botanical Garden, Engelmann Professor of Botany at Washington University, President-Elect of Sigma Xi, Chair of the Board, American Association for the Advancement of Science, (former) Member of the President's Council of Advisors on Science and Technology, Member NAS  
**Jeffrey S. Russell**, Professor and Chair, Construction Engineering & Management Program, UW-Madison; Chair of the ASCE Task Committee on Academic Prerequisites for Professional Practice (TCAP<sup>3</sup>).  
**Sue Rosser**, Dean, Ivan Allen College, Georgia Institute of Technology  
**Chalmers Sechrist**, Adjunct Professor, Florida Gulf Coast University, Retired Professor of Electrical and Computer Engineering, UIUC and former Program Director, NSF.  
**Sheri Sheppard**, Associate Professor of Mechanical Engineering, Stanford University, Senior Scholar at the Carnegie Foundation for the Advancement of Teaching, past co-PI with Alice Agogino at the NSF Engineering Education Synthesis Coalition.  
**David Soldan**, Chair, Department of Electrical and Computer Engineering, Kansas State University, President Electrical and Computer Department Heads Association (ECEDHA)  
**Linda Vanasupa**, Professor and Chair Materials Engineering Department, California Polytechnic State University, Chair, Academic Affairs Committee of the Materials Research Society  
**William A. Wulf**, President, National Academy of Engineering

## PERSONAL COMMENTARIES

"This is a timely and well thought out initiative for engineering education. It ties in the improvement of business and environment/ecology to meet future societal needs by better use of science and technology via enhanced engineering design. I really think the initiative needs more exposure, not only in the National Academy of Engineering and engineering-based industries, but also in the public press. In my opinion, societies' vision of an engineer is sadly lacking and it has been a serious problem for a long time, so good PR is essential.... This lack of vision turns our "best and brightest" away from engineering. As someone once said, "When we get a program on TV called LA Engineer, then we will have achieved the recognition we seek." Will this ever happen? Probably not, but better recognition, appreciation and understanding by the general populace is a necessary condition for the eventual success of the program. Finally, wouldn't it be useful to also publish in magazines like the IEEE *SPECTRUM* to broadcast the message to a broader audience of electrical engineers? "

Robert Aaron, President, Contemplating Consulting, (former) Department Head, Bell Laboratories, Member NAE

"I think that this is a terrific article (*Systemic Engineering Education Reform: A Grand Challenge*). It sets things in a historic perspective and points out truths that will make many people uncomfortable – a sign that important points are being made. Bravo!"

Eleanor Baum, Dean of Engineering, The Cooper Union

"Although we have plenty of pressure to raise money and publish papers at the University of Colorado, undergraduate teaching has been a serious part of our mission for well more than the forty plus years I have been here. You might be interested to note that both Nobel Prize winners have taught freshman courses after they won the prize and Carl Wieman has made a serious effort to revise freshman physics. Dick McRay, an NAS member, has spent a lot of time on an excellent freshman astronomy course. I have had undergraduate courses and undergraduates in my lab ever since I joined the faculty and find teaching undergraduates a joy.

However, there are definitely problems with the social structure of faculty reward systems and engineering education. Some of these come about by having weak administrations that do not have sufficient self confidence to separate good work from the numbers whether it be student ratings, number of publications or research dollars bought in. Furthermore, some need to decide on whether they are in the education business or the prestige business.

One of the things I think should be discussed with respect to Engineering Education is the extent to which we want our graduates to be ready to take on leadership roles as well as to be able to solve technical problems. I think there are things that could be learned from others, e.g., we should be looking at ROTC and business schools programs for mechanisms. The first job often requires current technical design skill, while promotion to management of a group often requires both personal management skills and some business background. The CEO needs a broad understanding, not only of the business, but also an understanding of our society and the world we live in. I agree with you that the long-term views of industrial leaders often are not communicated to company representatives on ABET committees and engineering school advisory boards, as well as to project managers and campus recruiters who write and execute requisitions.

The challenge is to fit the foundation for all of this into four years. U.S. schools should also be preparing our students for stiff competition from all over the world. There are lots bright students outside the US that are getting good educations and our technical leadership in future years is not a given. If we are going to retain our leadership we need to improve the efficiency of our teaching and teach our students how to learn on their own after they leave school as we are going to teach a smaller and smaller fraction of what one needs to learn in any fixed period of time. I plan to address some of these issues in a paper at the FIE meeting in November.

Frank Barnes, Professor of Electrical and Computer Engineering, University of Colorado-Boulder, Member NAE.

"The directors of the Arthur J. Schmitt Foundation wish to add their endorsement and encouragement of the professional leadership being exerted by engineering educators and executives to provide students with significantly better preparation for the 21st century engineering workplace, and to help attract and retain more of the "best and brightest" students. The Campaign for Systemic Engineering Education Reform serves as an appropriate and effective means for responding to the many changes that evolved during the 20th century. Today these changes present themselves as the technical, environmental, economic and engineering challenges that must be addressed to improve our future world condition. A changing world requires a change in our educational curricula and pedagogy. The founder of our foundation, Arthur J. Schmitt, with an unselfish vision and determination to achieve a more effective working relationship between the business and engineering professions, undertook the creation of the Fournier Institute of Technology. Its innovative and accelerated curriculum was intended to provide our nation and the world with more effective leadership resources for bettering the human condition. Even though it was experimental in nature and very demanding of its students, it did attract the "best and brightest" – rendering many examples of just how successful such innovation and forward-looking determination and commitment can be. The Arthur J. Schmitt Foundation is proud to help carry forward the legacy of Arthur J. Schmitt as it has evolved over the past sixty years. Richard C. Becker, Chairman, Arthur J. Schmitt Foundation, Emeritus President, Illinois Benedictine University

"We are most fortunate to have someone with your knowledge and experience to help develop a roadmap for the future of engineering education. It is apparent that since you retired and no longer are weighed down with the responsibilities of your past high-level positions in industry, you have devoted considerable effort on critical issues in engineering education. Unfortunately, Engineering deans who are actively involved in the day-to-day operation of programs, particularly in today's budget climate, do not have the time needed to focus on these important matters as you have in the *Trilogy*. I am most grateful that have been willing to help fill the gap by devoting your time and talents for the good of our profession and our country."

A. Wayne Bennett, Dean, James Worth Bagley College of Engineering Mississippi State University

"I applaud you for an article which lays out the imperative for change in engineering education without stirring up feelings – leastways, not excessively so – over particular areas begging for change. This is important because these areas will be seen by your readers as being of different levels of importance.... a vibrant paper. Great work.

Theodore A. Bickart, Accreditation Policy Council Chair, IEEE Educational Activities Board, (former) President, Colorado School of Mines



"We would like your permission to post this *Trilogy* on the resources section of the website for our National Conference on Science, Policy and the Environment. The theme of the conference is Education for a Sustainable and Secure Future. Your paper is a perfect fit."

David E. Blockstein, Senior Scientist, National Council for Science and the Environment

"Thanks for keeping me in the loop. Your initiative on the *Trilogy* is terrific."

Shlomo Carmi, Dean, College of Engineering, University of Maryland Baltimore County, Vice President, Engineering Education, ASME

"I have just finished reading Dr. Frank G. Splitt's article on systemic engineering education reform (Spring, 2003). "Thank you" to him for contributing the article and "congratulations" to THE BENT for publishing it. I am a chemical engineer who has been working for the past seven years to reform engineering-technology education in two-year technical colleges, mostly in South Carolina. What Dr. Splitt reported is almost as true for our academic environment as it is for colleges of engineering, and what he proposes is critical to the future of this nation. Our work here has been funded by the National Science Foundation, and we have had notable success at some colleges but still face enormous resistance from others. In our efforts, we have applied everything the research says will work—and it does! But it isn't easy and requires both behavioral modifications for faculty members and organizational change for institutions.

Like Dr. Splitt, I keep hoping that students, parents, and industry—the customers of our academic efforts—will demand better from all of us. So far, no real pressure is being applied to those fighting to maintain the status quo. In the meantime, I am pleased to be a part of the advanced-technological-education team in my state that has chosen to join the "coalition of the willing" to do what it takes to improve engineering-technology education. We are responding in a positive way to the grand challenge Dr. Splitt outlined so well and encourage others at two-year colleges in the nation to do the same. Now more than ever before, this country's ability to gain the competitive edge depends on our success as educators. It is up to us to increase the quantity, quality, and diversity of both engineers and technicians to support industry and stimulate economic development." (LETTERS, *The BENT of Tau Beta Pi, Summer 2003, reprinted with permission.*)

Elaine L. Craft, Director, SC ATE Center of Excellence & National Resource Center for Engineering Technology Education, Florence-Darlington Technical College

"WOW!... there is tremendous confluence of interests here. One could make the argument that most environmental contamination today is basically the result of mis-engineering/design failures. Taking a narrow view of technological function, structure, time and space, rather than an integrated/systemic perspective, has produced engineering feats that succeed in small tasks, but do not necessarily build stronger systems." Devra Lee Davis, Visiting Professor, The H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, Member, Chemical Safety and Hazard Investigation Board (1994-99), former Senior Advisor to the Assistant Secretary for Health.

"Thanks for including me in your campaign! I've read your materials and certainly agree with both the substance and the urgency of the issue. I'll do my best to keep these issues in front of my colleagues."

James Duderstadt, Emeritus President, University of Michigan, Member NAE

"The Bent article should be seen by a lot of the right people.... You observe, quite correctly, that the same economic pressures drive universities as industry. As you have seen, companies change in response to either government regulations or to market pressures and sometimes they change too late. The academic analog of governmental regulation is ABET and the market pressures are student demand for admission and industrial demand for graduates. The adversarial relationship between colleges and ABET can best be understood by examining the relationship between industrial firms and OSHA. I'm not sure we are going to change either. What would be interesting would be to study those engineering schools that have adopted some aspects of curricular reform and see a) if their programs are in greater demand by prospective students and b) if industrial firms seek their graduates more vigorously and pay them a higher salary. If both of these questions could be answered in the affirmative, it would be a compelling argument for reform by the foot draggers."

Lyle Feisel, Vice President, IEEE Educational Activities Board, Dean Emeritus (retired) of the Thomas J. Watson School of Engineering and Applied Science at the State University of New York at Binghamton

"Your "Trilogy" and "Grand Challenge" publications articulate the case for reforming engineering education to achieve the excellence needed for these higher education programs. In our search for excellence I am continually reminded of the Cult of the Third Best as articulated by Sir Robert Watson-Watt in describing the development of radar during World War II: *The best that can be done is not obtainable; it is the goal toward which we strive, but never achieve. The second best, the best we can do, cannot be done in the limited time we have available. We are left, then, with the third best; the best we can do in the time available to us.* The Cult of the Third Best applies to engineering education reform as well as to radar research. Your comments in the "Trilogy" suggest that the engineering education enterprise accepts — all too readily — something less than the third best. As you note, a consensus has developed about what the engineering education for the 21<sup>st</sup> century should be — not only describing this education but also providing several scenarios for realizing this new paradigm. The *third best* accepted by the majority of engineering schools seems to seek an engineering education that will prepare our students better for the 1970's than the 2020's.

In reforming engineering education we know WHAT Engineering Education should be and HOW to provide that kind of education for our students, but knowing the WHAT and HOW for the Engineering Education of the future seems not to be enough; we must implement these changes at many more institutions. We seem unable to change what we do to provide the educational experience our students need for a career that reaches several decades into the future. The missing link in engineering education reform seems to be the priorities set by the institutions. The leaders of too many of our engineering schools seem to focus on a narrow set of priorities — that seem not to encourage faculty to develop an engineering education needed by our students for the next 30 years and beyond. These programs should be engineered to attract and retain more of our brightest and best students. Also, I agree that we must encourage some of the best minds among our engineering faculty members to devote a significant portion of their time over an extended time period leading the implementation of the new paradigm for engineering education at their institutions and that the present recognition and reward system for engineering faculty seems inadequate for this task.

There seems to be not only a consensus about the WHAT - the required content and thrust of the new engineering education, - but also a consensus about the HOW - the structure and the infrastructure needed for the new engineering education paradigm. Your publications strongly but

eloquently suggest that the primary focus for systemic engineering education reform should be implementing the *new paradigm for engineering education* in many more engineering education programs in response to this consensus by: 1) placing primary emphasis on the development of students as emerging professionals; 2) making the study of engineering attractive, exciting, and fulfilling throughout; 3) engaging students in engineering in a serious way from the day they matriculate; 4) making active learning the predominant engineering student learning mode; 5) drawing engineering faculty to a dedicated investment in the teaching of undergraduates; 6) increasing the diversity of student academic backgrounds and the numbers of women and under-represented minorities who succeed in engineering study; and 7) giving students an appreciation for the realities of engineering practice through regular, well-planned interaction with industry. Corresponding faculty efforts must include those that make the study of engineering attractive to a larger fraction of the best students. Students are the *sine qua non* of engineering education – literally, *without which not* engineering education.”

Edward W. Ernst, Distinguished Professor Emeritus, University of South Carolina

“The SEER campaign is a critically important one as it serves to create awareness, to build community, and to stimulate action. Your efforts have been truly fantastic and will, in addition to re-energizing those already working in the field, bring a new generation to this important work.”  
Norman Fortenberry, Director, Center for the Advancement of Scholarship on Engineering Education, National Academy of Engineering

“While we have been making reasonable progress in the way we are changing the approach to engineering education for engineering students there are many other facets that Colleges of Engineering should be addressing. Engineering is a profession that offers such a wide range of opportunities and I don't believe we are taking advantage of that in our thinking and faculty perspective in either the way we view potential entering students as well as our interactions with other segments of the University. It is abundantly clear that technology has been, and will continue to be, the driver of our economic engine. While we in engineering have realized that for a long time it is only more recently that a larger segment of the population has come to the same realization. Thus the time is NOW for Colleges of Engineering to step forward and become the centerpiece of the educational environment with quality based ties to all parts of the institution that support not only engineering programs but the programs of the other segments of the University as well – providing a great advantage to engineering students in the long run. The campaign for systemic reform comes at just the right time. Your drive and perseverance for the cause is remarkable.”

Eli Fromm, University Professor and Director for Center of Education Research, Drexel University

“I've had a chance to read your *Trilogy* on Engineering Education Reform and wanted to tell you that I appreciate the leadership and energy you've obviously brought to this critical area. An effort like this reminds me of the basic truism that I've encountered time and time again in my own career. The classic four-cell-matrix model lays out the situation pretty well with “important” and “not important” along the top, and “urgent” and “not urgent” down the side. We all see examples of efforts spent day in and day out on the urgent items, some of which are not even important – and that's a big waste of time and energy. Usually, little time is allocated to the important, but not urgent arena. That's where true progress is cultivated and long-term success is incubated...that's where I see your effort on systemic engineering education reform. It is very important, but likely not urgent to those who need to take up the call. Keep up the leadership to get academics to focus their efforts accordingly; it's about the future of the profession after all.”

Mike Gorman, President and CEO, New-TRAC Consulting, Retired Vice President-Corporate Standards and New Technology Development, Ameritech

“The ABET approach of using outcomes assessment as a way to focus engineering education toward what we see as the necessary result of the education program will certainly help move us in the correct direction, But it isn't enough. Further one must realize that ABET operates on the principle that movement in any new direction must be the result of consensus. While ABET is made up of both academic and industrial participants, it is extremely difficult to keep the number of such participants approximately equal never mind equally influential. This adds up to mean that the academic community largely must be responsible for shedding the mantle they are wearing and pick up the responsibility of moving us in the new directions that we need. How can we expect this to happen spontaneously? How can we somehow help this to happen when it seems against the very culture of present engineering academics? Thus, the fundamentals involved in your wonderful expression as stated in your *Trilogy*, really and truly need some new expressions that are focused on just how we are to capture the minds and hearts of the people who must be the pathbuilders and inventors of the new culture.”

Jerrier Haddad, (retired) Vice President, IBM, a Past President of ABET, Chair, (1980s) NRC Committee on the Education and Utilization of the Engineer, Member NAE

“Your *Trilogy* and the more recent article in *The Bent* do much to codify the importance of systemic approaches in engineering education and to establish guidelines for continuous improvement in educational processes. Since reading Alvin Toffler's *Future Shock* in the mid seventies, I have tried to remain mindful of the importance of finding solutions to society's problems by integrating all relevant considerations. Your articles remind us that the role of engineering education should be to nurture young minds in ways that allow them to make decisions by synthesizing and critically assessing pertinent information.”

Frank P. Incropera, Matthew H. McCloskey Dean of Engineering, University of Notre Dame, Member NAE

“A stimulating and refreshing collection of ideas and arguments...well written, logically reasoned presentation of the case for reform in engineering education. There is also a need for engineering graduates to practice in the global marketplace and a need for engineering schools to offer appropriate courses to introduce our technologies and approaches to non-engineers -- teachers, business majors, liberal arts students, etc. – so that our future business leaders, legislators, teachers, etc. will have some understanding of who we are and how we work. I commend your attention to these needs in your overall effort.”

Russel Jones, Editor, International Engineering Education Digest, (former) President, University of Delaware

“Please forgive this quite belated response to your series of statements on engineering education reform (*Trilogy*). I read them with care, and was fascinated to see how similar our takes are with what is wrong in a number of areas. We have a fine engineering school here, of course, but I have

never been professionally involved in engineering education. What you have to say makes great sense to me, and I am delighted if my article was of some help to you in setting the background for your work."

**Stanley N. Katz**, Professor, Woodrow Wilson School, Director, Center for Arts and Cultural Policy Studies, Princeton University

"I agree that we have a serious problem in attracting and retaining the best and brightest for our undergraduate engineering programs. Although there is a lot going on in this area, we are clearly not being very successful and have to ask why. So, how might UNESCO's priority for capacity building in developing countries play out for undergraduate engineers in the U.S.? Sustainable Development is the kind of an issue that can energize idealistic young people and help us recruit some of the best and brightest for engineering. Evolving an international experience for undergraduate engineers based on some available models and some ongoing activities, that would contribute to capacity building has very interesting potential."

**William E. Kelly**, Professor of Civil Engineering and former Dean of Engineering, Catholic University of America, Chair, ASEE Engineers International Roundtable

"... The first measure of excellence in education ought to be the success of average undergraduate students, not the amount of grants received and number of papers published... The proper function of undergraduate education is to help all students to learn; it is not to "do research" and publish papers. Doing projects is usually an inefficient and time-wasting way for most students to learn.

The conventional wisdom among most academic administrators is that excellent teaching and strong service do not count as being "productive." Faculty are viewed as being productive only if they are busily begging for grants and publishing papers. The work of helping undergraduate students to learn has been steadily downgraded to an unimportant secondary activity best left to usually inexperienced graduate students.

Published articles report that undergraduates want more direct personal contact with instructors and faculty—within and outside the classroom. Students want to gain better understanding by having questions answered and by engaging in discussions with faculty.

Higher education is ill, it is getting worse, and there is little hope for improvement until there is a major calamity of some sort in the results produced by academe.

Students have been and continue to be the primary victims. Most faculty are too busy with their research activities to be bothered with ordinary students. Most administrators have come up through this thoroughly polluted system and probably owe their present status to their production of grants received and papers published. They have played the game and see nothing wrong with it because it worked for them.

I have believed for many years that good teachers care more about the academic welfare of their students than about their own promotion and personal glory." (Excerpt from *LETTERS, The BENT of Tau Beta Pi, Summer 2003, reprinted with permission.*)

**David W. Knudsen**, (retired) Associate Professor of Electrical Engineering at the University of Southern Maine

"Thanks for sending the BENT paper. It is very compatible with the direction that we are taking here at UDM as we prepare for our first accreditation visit under the new ABET criteria. It is also very well aligned with the SME Education Foundation study of competency gaps that are seen by industry in new graduates, e.g. lack of ability to communicate verbally or in writing, lack of business understanding, lack of international perspective, and inability to work well in teams. I will be pleased to support this reform effort."

**David G. Lee**, Director, Manufacturing Engineering Program Engineering & Science, University of Detroit Mercy, President, Society of Manufacturing Engineers

"Many thanks for sending along the report on engineering education, which I found extremely interesting. I had had a conversation with Bill Wulf about the growing movement to revise/revitalize? engineering education and obviously this report (*Trilogy*) will be a very important part of that process."

**Alan I. Leshner**, Chief Executive Officer, American Association for the Advancement of Science.

"Your excellent trilogy on systemic engineering education reform is getting wide distribution. I have received copies from at least three different sources so far. As an "old hand" in this subject from my position at Boeing, I'm glad to see the renewed attention to this important topic. Some of my colleagues and I believe there are aspects of the problem that have not received adequate attention -- the need for much more emphasis on design and systems thinking in curricula and pedagogy. These aspects exist in a "mature" industry as contrasted with the usual discussions about new and emerging technology areas like biotechnology, nanotechnology, and so forth. I also think it is important to consider the broader view of overall industry needs -- both new and "old" -- to draw correct conclusions about how to proceed in addressing these issues important to our society."

**John H. McMasters**, Technical Fellow, The Boeing Company

"... thank you for all your hard work, dedication and perseverance in promoting the principles of environmental consciousness, ethics and social responsibility in the education of engineers. You have made tremendous progress and it is paying off. I am pleased that our *Green Engineering* program here at Virginia Tech has had a small part to play. It is unfortunate that the budget cuts afflicting higher education are taking their toll, but we are maintaining *Green Engineering* in our portfolio for renewed support when the current fiscal constraints are eased. I shall be retiring from the College of Engineering Dean's Office on January 1, 2003 after some 40 years in academia and as a practicing engineer. Thank you again for all you have done."

**Malcolm J. McPherson**, (Interim) Dean, College of Engineering, Virginia Tech

"The author of these three papers, the *Trilogy*, offers specific suggestions. In a true missionary spirit, he draws on extensive industrial experience, his participation in the early development of ABET EC 2000, and a substantial immersion in academe to provide his own noteworthy insights and a number of provocative ideas. Whether or not you agree with them, this interesting set of papers should be viewed as a valuable contribution to the literature on engineering education reform. It is worthy of serious attention and discussion by all stakeholders in engineering education."

**Irene Peden**, Professor Emerita, University of Washington, Member NAE

"I read your *Trilogy* on engineering education reform and found the three papers to be very interesting and timely. The issues you raise are important and the arguments are compelling. I believe that there are many AEESP members who would find your papers interesting as well. In particular, I believe many of our members will agree with the ideas put forth in the first paper regarding the environmental literacy gap and the need for widespread inclusion of environmental issues across the engineering curriculum....I wish you the best of luck in your endeavors.  
Catherine A. Peters, Associate Professor Dept. of Civil and Environmental Engineering, Princeton University, President, Association of Environmental Engineering and Science Professors (AEESP)

"In preparing "Engineering Education Reform: A Trilogy," you have performed a great service for engineering education. You describe clearly the critical need for a paradigm change in the educational preparation of engineers, the character of the new paradigm needed, the drivers for change, and the inertial forces that must be overcome. Having served in the past as president of ABET, coordinator of the NSF Engineering Education Coalitions Program, and editor of the *Journal of Engineering Education*, I am well aware of the magnitude and importance of the challenge you address. The "Trilogy" gives support and encouragement to those of us who have participated in the development of ABET Engineering Criteria 2000 and see its effective implementation as a crucial step in moving the paradigm change beyond the "early adopters" and into the mainstream of engineering education. I outlined the specific challenge to ABET in my Keynote Presentation, "The Road Ahead", at the 2002 ABET Annual Meeting, *The 2nd National Conference on Outcomes Assessment for Program Improvement*.  
John W. Prados, Vice President Emeritus and University Professor, The University of Tennessee

"I very much appreciate the directions you are taking, and certainly will be glad to support those initiatives at the National Academy of Science and Sigma Xi, The Scientific Research Society."  
Peter Raven, Director Missouri Botanical Garden, Engelmann Professor of Botany at Washington University, President-Elect of Sigma Xi, Chair of the Board, American Association for the Advancement of Science, (former) Member of the President's Council of Advisors on Science and Technology, Member NAS

"The campaign for reform in engineering education is overdue, and I congratulate you for taking a leading role. You discuss the tension that exists, especially at the research universities, between promoting the research agenda versus reforming undergraduate engineering education. I suggest that it is important to avoid a false dichotomy here. Instead of using the legal education system as a potential model, the reforms underway in schools of pharmacy may be a better model. By introducing the 6-year doctor of pharmacy degree, intended for practicing pharmacists, pharmacy schools are able to address the concerns of an undergraduate education and raise the professional stature of the basic pharmacy degree. At the same time, they are able to maintain a strong research-based graduate program, intended for future academics and researchers, and contribute in a major way to the research mission of the university. Perhaps following pharmacy's lead and doing both could eliminate the tension between undergraduate engineering education reform and engineering research. Not only would the preparation of the engineering practitioner be improved, we could raise the status of the basic engineering degree and still conduct research and produce future engineering researchers and academics. Keep pushing. You have a worthy goal.  
James A. Roberts, Associate Vice Provost for Research, Vice President, KU Center for Research, Inc.  
Professor of Electrical Engineering, The University of Kansas

"We are excited to learn about your keen interest and leadership in focusing our efforts on the educational system. As discussed on the telephone, we find your papers to be "spot on" and appreciate your efforts to move the engineering profession forward. We have mailed a copy of the ASCE Policy Statement 465: Academic Prerequisites for Licensure and Professional Practice, the report *Engineering the Future of Civil Engineering (CE)*, and a DRAFT copy of the Body of Knowledge for CE. We are converging upon the need to look to the future of our educational requirements. Thanks for your enthusiasm and dogged persistence and perseverance. We look forward to receiving your comments regarding the material we sent you."  
Jeffrey S. Russell, Professor and Chair, Construction Engineering & Management Program, UW-Madison; Chair of the ASCE Task Committee on Academic Prerequisites for Professional Practice (TCAP^3).

"Thank you for sharing your article "Systemic Engineering Education Reform: A Grand Challenge" with me. As Dean of Liberal Arts at a technological university I endorse your approaches, which underline the importance of communications skills, as well as focus on design issues involving life-cycle economics, ethics, social, legal, and standards, that link the engineering curriculum with that of the liberal arts."  
Sue Rosser, Dean, Ivan Allen College, Georgia Institute of Technology.

"Although I retired from the University of Illinois at Urbana-Champaign in 1996, I continue to teach and follow the latest "trends" in the area of engineering education reform. This semester I am teaching a technological literacy course for the education majors and other non-science and non-engineering students. I applaud your dynamic efforts and agree wholeheartedly with others that your series of papers is indeed a valuable contribution to the literature on engineering education reform.

Also, I think most would agree that the reform challenge/problem has been studied adequately. The big obstacle, of course, is resistance to change. Perhaps we need to learn more about human behavior and how to change that behavior. Apparently there are not enough incentives for faculty and institutions to change. When I was at the NSF during 1992-96, I was hopeful that the "Institution-wide Reform of Undergraduate SMET Education" program would be a strong motivator for change.

Clearly, trying to transform an institution is a herculean task. I believe it is important to continue your effort to marshal those change agents /paradigm shifters/ stakeholders who are strongly motivated to transform engineering education, namely, the employers of engineers, the enlightened engineering faculty and deans, students, the professional engineering societies, and the foundations. It is my sense that the engineering schools possess the potential to lead the transformation of their respective institutions. After all, isn't it true that engineers are the ultimate problem-solvers?"

Chalmers Sechrist, Adjunct Professor, Florida Gulf Coast University, Retired Professor of Electrical and Computer Engineering, UIUC and former Program Director, NSF.

"I applaud your summary of happenings in engineering education, particularly over the last 20 years, and your diagnosis that while there are many positive indicators that change is happening there are also disturbing trends."

**Sheri Sheppard**, Associate Professor of Mechanical Engineering, Stanford University, Senior Scholar at the Carnegie Foundation for the Advancement of Teaching, past co-PI with Alice Agogino at the NSF Engineering Education Synthesis Coalition.

"Thanks for the information on the Campaign for Systemic Engineering Education Reform. I certainly think it is appropriate to share this with the members of ECEDHA. ECEDHA is pursuing many activities that can lead to change in engineering education. We have sessions at our annual meeting this March that deal with trends in curricula. We are also sponsoring a special edition of the IEEE Transactions on Education on the future of ECE education. I would be interested in discussing some of the issues that you raise regarding accreditation issues as I have recently been elected (pending Board approval) to the Engineering Accreditation Commission representing IEEE. Thank you for your work in this important area."

**David Soldan**, Chair, Department of Electrical and Computer Engineering, Kansas State University, President Electrical and Computer Department Heads Association (ECEDHA)

"First let me thank you for spending the time and energy to articulate what we engineering educators desperately need to hear. Of course, administrators and others in the profession should read what you've written as well. I found your trilogy to be a refreshing summary of the developments and thinking that have been brewing in the last 15 years. Apart from the Academic Affairs Committee of the Materials Research Society, it's my hope that it can be a guiding force in our department."

**Linda Vanasupa**, Professor and Chair Materials Engineering Department, California Polytechnic State University, Chair, Academic Affairs Committee of the Materials Research Society

"Thanks for sending the copy of your Bent article; as you know, the NAE Council and I have put engineering education reform on the front burner of our concerns with the "four legged stool" of activities that you describe. I would reinforce the analogy you make to "The Innovators Dilemma". I don't believe faculty are opposed to change per se; rather they appear to be successful doing what they have done since the 1950's and don't see the reason to change. Unfortunately, like companies that fail to adopt "disruptive technologies", engineering schools that don't adopt a better basic model of engineering education may find themselves out of business when they finally do recognize the need for change. The NAE's four legged stool is intended to make a strong statement about the Academy's concern for, and recognition of the need to adopt change in a timely manner."

**William A. Wulf**, President, National Academy of Engineering



# **RECLAIMING ACADEMIC PRIMACY IN HIGHER EDUCATION: A Brief**

*Working for Reform in Intercollegiate  
Athletics and Engineering Education*

**Frank G. Splitt**  
McCormick Faculty Fellow

McCormick School of Engineering and Applied Science  
Northwestern University

**Foreword by Theodore M. Hesburgh, C.S.C.**

President Emeritus  
University of Notre Dame

**December 31, 2003**

## DEDICATION

*This publication is dedicated to the memory of the late Arthur J. Schmitt, the inventive industrialist who founded the Amphenol Corporation in 1932 and the philanthropist who established the Arthur J. Schmitt Foundation in 1941. Concerned that engineers were being too narrowly educated and that industrial leadership was going by default to those with backgrounds in general education, he became the educational innovator who founded the Fournier Institute of Technology in 1943. Mr. Schmitt's quest was for leadership. His aim was to provide effective industrial leadership via electrical engineers skilled not only in their profession, but in business administration and communications as well. His vehicle was education. Mr. Schmitt often paid tribute to America's engineering genius and cited the importance of engineers in America's future. He believed there was no field with richer rewards, none more intriguing, and none more important to the growth and defense of our nation. His mission continues through the work of the Arthur J. Schmitt Foundation.*



**Arthur J. Schmitt**

(Photo courtesy of the Arthur J. Schmitt Foundation)

For more on Arthur J. Schmitt see: Schaefer, Arthur J., *Quest for Leadership: The Arthur J. Schmitt Story*, Cathedral Publishing, Chicago, IL.



***"Telling the truth about a given condition is absolutely requisite to any possibility of reforming it."***

**– Barbara Tuchman**

***“Do not be contemptuous of that which you do not understand.... Just as a tall man will stoop to listen to a shorter person for whom he deeply cares, so I urge you to bend from the lofty perch of your own disciplines and to listen with high regard to disciplines not your own. If you are an engineer, listen to the artist; if you are a physicist, listen to the philosopher; if you are a logician, listen to the religionist; if you are in a position of power, listen, listen. We need to listen to one another if we are to make it through this age of permanent apocalypse and avoid the chaos of the crowd.”***

**– Chaim Potok**

*The Drake Group has endorsed this publication and is serving as a sponsor. Their mission is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry.*

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## FOREWORD

As University of Washington Emeritus Professor Irene Peden stated in her Foreword to the author's trilogy on engineering education reform, "In a changing environment and under pressure we do what we can to avoid being left behind or dealt out. We fall back where we can on the status quo to maintain our comfort zones. So it is with our professions and with undergraduate education reform." So too it is with reform in the domain of higher education occupied by intercollegiate athletics. Simply stated, abuses in intercollegiate athletics continue to threaten the very integrity of higher education; the stakes are already too high. Maintaining the status quo with business as usual is not a viable option.

Over the years our universities adapted to changing times and circumstances, evolving into today's research institutions and centers for athletics-based entertainment. There were consequences attendant to this evolution. The serious nature of the problems and threats posed to the university and its educational values by the commercialization and corruption of revenue-producing activities are well documented. Reports by the Knight Commission on Intercollegiate Athletics and books by Harvard Emeritus University President Derek Bok, *Universities in the Marketplace: The Commercialization of Higher Education*, and University of Michigan President Emeritus Jim Duderstadt, *Intercollegiate Athletics and the American University: A University President's Perspective*, paint a bleak picture in this regard.

I recall that at the time when Duderstadt's book was first appearing in the fall of 2000, University of North Carolina President Emeritus Bill Friday and I as co-chairs, along with other members of the Knight Commission, decided to reconvene to assess what had happened to the reform movement we attempted to launch a decade earlier. Had the situation improved or worsened? Were there new problems that warranted attention? We asked Duderstadt to provide the members with advance copies of the book as well as testify at one of our first meetings to convey his concerns about the current state of intercollegiate athletics. His testimony was to the point and indeed illuminating but not the best of news. He said it was now essential that higher education go further and translate the Knight Commission's principles into strong actions that both reform and regain academic control of big-time college sports. I thanked him for expressing his concerns and for sharing his deep insights, as well as for providing a firm basis for the first draft of our forthcoming report (published in June 2001).

Today, some three years later, I remain concerned with the fact that increasing media-derived revenues and expanding research funding continue to dominate the thinking and decision making within the academic enterprise. They also continue to not only undermine the legitimate and proper role that intercollegiate athletics can play in college and university life, but compromise the integrity of undergraduate education as well. Supporting university infrastructure has also grown in a so-called arms race characterized by the seemingly incessant building of new and/or improved stadiums, arenas, and research facilities, requiring evermore funding. University presidents, administrators, and faculty have to spend much of their time and energy as fundraisers and managers. Without the media-derived revenues and federal funds on which most universities now depend, some athletic and academic units could not be sustained. Many have concluded that little can be done to rein in the arms race or to curb the rampant excesses of the market. As we stated in the 2001 Knight Commission Report: "Worse, some predict that failure to reform from within will lead to a collapse of the current intercollegiate athletics system."

This brief stems from the author's research on the present state of affairs in higher education reform movements and his work with Duderstadt and others to support the current faculty-driven and senate-based movement to reform intercollegiate athletics led by University of Oregon Professor Jim Earl, University of Indiana Professor Bob Eno, and Northwestern University Professor Carol Simpson Stern. The author focuses on intercollegiate athletics reform while illuminating parallels to undergraduate engineering education reform. He first provides a sense of current happenings, setting the stage for several observations. He goes on to provide a suggested plan for reform that addresses the long-standing problems that compromise the academic missions of our colleges and universities, focusing on the faculty initiatives that led to a proposed set of principles for the athletic programs conducted by their institutions.

I certainly agree with the author's view that: "recent common-cause efforts to align faculty-driven initiatives by the American Association of University Professors and the Coalition on Intercollegiate Athletics, with those of the Association of Governing Boards, can help catalyze successful reform with the potential to ignite a remarkable revolution in intercollegiate athletics." My own experience indicates that bringing about really serious change in intercollegiate athletics will be very hard work indeed, requiring a well-focused investment of substantial time and energy by the faculty who choose to become involved.

As we noted in the 2001 Knight Commission Report, “on many campuses, faculty indifference prevails even when informed critics make their case.” Some dedicated faculty members are already overburdened as they invest considerable time and energy in teaching and research, as well as professional and other worthy activities. So it is quite encouraging to see the emergence of faculty with the will to act and what appears to be a robust faculty initiative.

In the end, the ability of the faculty movement’s leadership to motivate and sustain widespread faculty interest, as well as dedicate requisite time and energy to reform, will be critical to their success. So too it will be their ability to maintain a close working relationship with the Association of Governing Boards. Governing boards have the wherewithal to not only influence, but also provide guidance and support for beleaguered university and college presidents who will be the final key to successful reform.

Needless to say, this effort will not be for the faint of heart. Faculty members need to know that their time will be well spent with a reasonable expectation of success. Though they may not know it, for some it will be the most important work of their professional careers. Unfortunately, faculty work on reform will likely be the least recognized or rewarded by their universities.

As with his work on systemic engineering education reform, the author approaches the subject of reform in intercollegiate athletics with passion and with a spirit reminiscent of his early benefactor, the founder of the Fournier Institute of Technology and my good friend, the late Arthur J. Schmitt. He draws from his work on engineering education reform and his extensive personal experience with paradigm shifts and reform movements that addressed challenges in a wide variety of social and business contexts, arguing that much can be learned from the efforts of change agents in quite different areas.

The perspectives in this brief should prove to be of value as "grounding" material for all those taking on the formidable task of driving serious and comprehensive reform in intercollegiate athletics requisite to preserving its role in the academic enterprise. It is a valuable contribution to the ongoing debate on reform efforts in higher education ... most worthy of widespread distribution, as well as serious attention and discussion by all those involved, or, that ought to be involved in higher education reform movements.

Like the Knight Commission Reports, this brief serves as a clarion call to university presidents, trustees, administrators and faculties. It should help to not only enhance their collective awareness, but stimulate debate, and prompt a more determined search for workable solutions and collaborative action as well. It is my fervent hope that readers will go further and ultimately become involved with facets of the reform movement that lie within their respective spheres of influence. As we stated in the 2001 Knight Commission Report: “Change will come, sanity will be restored, only when the higher education community comes together to meet collectively the challenges its members face.”

**Theodore M. Hesburgh, C.S.C.**  
President Emeritus, University of Notre Dame  
Notre Dame, Indiana  
December 2, 2003

## COMMENTARIES

“Let me first say that I am very impressed with the author's efforts in responding to this crisis in higher education. The corporate model of governance adopted by most institutions in the age of political assessment and bottom-line accounting has damaged America's colleges and universities in almost all areas – outsourced research agendas, curriculum development, general education requirements, as well as the integrity of a college degree. How to return academic authority to the faculty is a problem, and I commend the author and the COIA for their efforts in that matter. Perhaps that is why I strongly urge all academics to read this brief. Most importantly, we need to awaken and engage those who understand the dire consequences for our culture of letting higher education be corrupted by corporate motives. For true reform to occur, faculties need to take the academic authority away from the NCAA as well as from the captains of industry, the many big-money donors, and boosters that populate most Boards of Trustees.”

--**Linda Bensel-Meyers**, Director, The Drake Group, Professor of English, The University of Denver

“Intercollegiate athletics, as currently practiced by many universities, compromise admissions standards, weaken the curriculum, and threaten other essential academic values. Neither coaches nor athletic directors, nor presidents, nor trustees can bring about real reform without help. Faculty members have the most at stake in upholding academic values; they represent the best hope of achieving genuine progress in making the kinds of changes required. As a result, I warmly endorse the arguments contained in this brief for involving faculty in a campaign for integrity in college sports.”

--**Derek C. Bok**, the 300<sup>th</sup> Anniversary University Professor and former President,  
Harvard University

"A Great Brief! I'm staggered at the complexity of the total problem. Frank Splitt does an excellent job of organization and explanation. After reading the entire document, I believe that achieving the stated goals would not only be a boon to colleges and universities in the long run, but would also provide a tremendous, and needed, national challenge to primary and secondary education. The challenge would be to improve the quality of their graduates, and in the process, enable many school districts to emerge from a morass of continued mediocrity. This is a must read for university trustees."

--**Stanton R. Cook**, Retired Chairman, Tribune Company, Life Trustee, Northwestern  
University

“Theodore Hesburgh's powerful foreword sets the stage for Frank Splitt's thoughtful and provocative brief. They chart the perverse impacts on our universities as they "follow the money" that flows from commercial pressures and opportunities and offer a call to arms for anyone concerned about the future of the academic world. If you want to know what is wrong with universities today and how to restore public trust in the scholarly world, read this brief.”

--**Devra Lee Davis**, Visiting Professor, The H. John Heinz III School of Public Policy and  
Management, Carnegie Mellon University, former Senior Advisor to the Assistant Secretary  
for Health and member of the Chemical Safety Hazard Investigation Board

"Frank Splitt's brief on reform in higher education could not come at a more timely moment. The reform-pushing Knight Commission on Intercollegiate Athletics reconvened yet again in late November to focus on the escalating assault of athletics on our academic institutions. I concur with Splitt that the current faculty-driven, senate-based, reform movement can ignite a remarkable revolution in intercollegiate athletics, challenging the mad rush of college sports over the cliff of commercialism. The brief ought to be high on the reading lists of university presidents, trustees, administrators, faculties, as well as students and their parents."

--**James J. Duderstadt**, President Emeritus and University Professor of Science and  
Engineering, University of Michigan

“How can one begin anywhere except to compliment the author in the strongest and most sincere terms for the time, effort, and insight he brings to the issue. As one who shares his interest in the subject, I much appreciate his entry into the arena. Anyone serious about reform should refrain from using the term "student-athlete." Reform will come only when faculty apply to themselves what they so freely demand of others. In other words, reform must begin with truth-telling: Disclosure of the courses including the name of professor with course GPA that athletes take. No disclosure; no reform.”

–**Jon L. Ericson**, Ellis & Nelle Levitt Professor emeritus and former Provost at Drake University

“Every thoughtful sports fan knows that intercollegiate sports are in serious difficulty. The Knight Commission has led the effort to bring about major change and fundamental change has occurred. Much remains to be done and Frank Splitt’s Brief signals the role faculties must play. The challenge is great; I believe the faculties will respond.

–**William C. Friday**, President Emeritus University of North Carolina, Chairman of the Knight Commission on Intercollegiate Athletics

“Frank Splitt’s brief provides a refreshingly-candid view of college sports as well as some hope for the future. I believe the smaller colleges tend to value academics over athletics and that to be a consistent winner in the big-time, revenue-producing sports of football and basketball requires that athletes put their sports first and academics second. Studies must be squeezed in even during the off-season when a large part of the athlete’s “education” takes place in the weight room. Schools with high academic standards are at a real competitive disadvantage. Doing the right thing for their students usually costs a school the big money associated with the top bowl games and participation in “March Madness.” With few exceptions, greater than fifty percent graduation rates will all but guarantee sitting out post-season play, or, post-season play by virtue of an athletic department that knows how to game the academic system. I also believe professional sports set a poor example for college athletes and that the laissez-faire policy of the NCAA allows the big money from commercial interests to buy out our colleges. The end result is colleges that strive to win at any cost. I hope the faculty can rise to Splitt’s challenge, and work with, or, if need be, without the NCAA to curb the abuses associated with college sports and get their colleges back on track.”

–**Russ Grundy**, Former Coach and Athletic Director, Newman High School, Wausau, Wisconsin

“Frank Splitt’s brief is a wake-up call for university faculty who truly care about undergraduate education. If we faculty think that the mindless expansionism of the research universities is somebody else’s business, then we deserve what we get. Splitt is correct to argue that gigantism and corruption in athletics goes hand in glove with gigantism and corruption in the educational process. The system of higher education is out of control. In their own way, the Ivies are just as badly impacted as the Big Twelve. Even well intended university reformist presidents have not been able to stop the trend to financial aggrandizement. Education is too important to be left to anyone other than educators. So faculty must rise up to demand reform of intercollegiate athletics, to reject the hypocrisy of the notion of “student-athletes,” and to assert the primacy of undergraduate education. This is a battle we cannot afford to lose.”

–**Stanley N. Katz**, Professor, Woodrow Wilson School of Public and International Affairs, Princeton University, and President Emeritus, American Council of Learned Societies

“The most recent incarnations 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

“Frank Splitt provides the public and academics with a straight-speaking, well-referenced brief describing the ways in which universities are compromising their basic academic mission when they fail to adequately monitor sport and its place in their institutions. More important, he sets forth an agenda for faculty, telling them what they can do. Members of the academy should take the time to read the brief to discover what is happening all around them, become engaged, and go on to contribute to the restoration of academics to its rightful primacy in higher education. I plan on contributing to the promotion of the brief in my own voice and by distributing the publication to AAUP members, first at a January 2004, meeting of our standing Committee C on College and University Teaching, Research and Publications and then in June 2004 when the full membership meets.”

--**Carol Simpson Stern**, Professor, Northwestern University, Past president of the American Association of University Professors, Chair of the National AAUP Committee C

“Frank Splitt’s well-researched brief identifies clearly the distortion of institutional priorities and the threats to academic integrity that result from increasing commercialization and obsession with winning in “big-time” college sports. The situation has developed gradually over the past 100+ years, and now its correction faces major obstacles, both financial and psychological, in particular, the dependence on revenues from football and men’s basketball to fund bonded indebtedness on expensive athletics facilities and to support the non-revenue producing sports, and the over-identification by too many alumni and other supporters of their own value with “their” school’s athletic success. Can the situation be corrected? I believe it can, but with great difficulty. It will demand a long-term, coordinated effort by responsible faculty leaders, presidents, and governing board members who are willing to put aside personal advantage and work together to do what is right for their institutions and the educational enterprise. Frank Splitt has pointed us down the right path. Will we have the courage and perseverance to follow it?”

--**John W. Prados**, Vice President Emeritus and University Professor, The University of Tennessee, and former president, Accreditation Board for Engineering and Technology

“I believe strongly that trustees need to examine the impact that intercollegiate athletics is having on their colleges and universities, and whether existing programs fit with the values and mission of their institutions. The Association of Governing Boards is dedicated to educating its members about the complex issues of athletics reform, and Frank Splitt does a superb job of making the case for a faculty driven agenda. It will take the concerted efforts of engaged trustees, faculty and presidents to plan for and build a future where athletics fits properly into an academic world, and I am grateful to have this brief as part of the blueprint.”

--**John Walda**, Chairman, Association of Governing Boards

## *On the Beginning of the Faculty-Driven COIA Reform Movement*

*“There has been a lot of talk lately about skyrocketing expenditures in big-time college athletics. The “arms race” has become an agenda item for almost any athletics oversight group. It also became an agenda item this year for faculties in the Pacific-10 Conference, and they took steps toward doing something about it.*

*Faculty concern at the University of Oregon about out-of-control spending in intercollegiate athletics picked up when the university announced an \$80 million expansion project for the football stadium last year. Eighty million? When the university has spent the last decade in the poorhouse? How could we possibly build skyboxes for corporate underwriters to watch football six times a year when academic budgets are skeletal, classrooms are in short supply and professors are fleeing for better pay? But, you're thinking, the \$80 million is donated – it doesn't come from academic budgets or the general fund – so what's the problem?*

*Consider it from the faculty's point of view. An athletics program that prospers while academic programs starve is a warning sign: a red flag, a flashing light, a clanging gong. We're an institution of higher learning, after all, not an arm of the entertainment industry. Our mission statement makes no mention of sports or entertaining the community. Besides, read the fine print: The university has to borrow nearly \$20 million to start construction. That's a mighty big mortgage to put your name on. Not to mention that the athletics department, for all its robust growth, still needs \$2 million annually from the general fund. To the faculty, that looks like a big red flag.*

*Ah, but you ask, doesn't athletics bring the university lots of money? And doesn't it make sense to court donors with skyboxes? The debate on those questions is complicated, but by and large the faculty are skeptical of both claims. First, all the money athletics makes goes to athletics. Second, nearly all athletics departments, for all their amazing power to draw donors and fans, run in the red. Third, no one has shown that donations to academic programs rise with the football budget. Until recently, universities didn't worry about such things, but a decade of declining state allocations sent us seeking money elsewhere -- from private donors, corporate tie-ins and big-time sports. It's a dangerous new game, and the nature of the university is at stake. Just look what ceaseless fund-raising has done to politics. It's hard to hold on to your ideals when you've got both your hands out.*

*College sports are now big business, a growth industry. It feeds on ever-greater sums of money. Everyone involved, including the athletics department, admits that spending is out of control. Competition for players and coaches is so fierce and the stakes are so high that our athletics budget almost tripled in the last 10 years, from \$12 million to \$32 million. But, you ask, it paid off, didn't it? The football team was so successful last year, one morning the faculty woke up to read in the paper that the coach's salary was renegotiated to \$1 million annually. There's an example of out-of-control spending. Another is our beautiful new \$16 million indoor practice facility: now schools around the Pac-10 want to build one too, to keep up with the Joneses.*

*From the fan's point of view, of course, bigger is better. There's no such thing as too much. But the owner (the owners in this case being institutions of higher learning, most of them public, most in financial distress) has to ask, Where will it end? How big is too big? And what happens when the winning streak ends, attendance drops off and donors fade? Who pays the mortgage then? Did you know that here and across the country, student attendance at the games has been dropping steadily? That's good for business, actually, because we can charge the public a lot more for the same seats – and money's the name of the game now. So much for school spirit.*

*From the faculty's point of view, it's beginning to look like our ever-deepening investment in sports may be sapping our ideals, our energy and our money, and encroaching on the educational mission.”*

James Earl, University of Oregon

Excerpted from: *Faculty voice – Profit quest not worth sacrifice of education*

*The NCAA News*, June 18, 2001, <http://www.ncaa.org/news/2001/20010702/comment.html>



# RECLAIMING ACADEMIC PRIMACY IN HIGHER EDUCATION: A Brief

## *Working for Reform in Intercollegiate Athletics and Engineering Education*

### ABSTRACT

It is widely recognized that there has been increasing commercialization, professionalization, and corruption of intercollegiate athletics, and that many efforts to reform and de-emphasize the big-time, TV-media sports have been largely ineffective. As difficult as it may be, it would seem that much more could be done than has been done in the past. But, just who is going to do the doing? Few contemporary university presidents have the capacity, the will, or the appetite to lead a serious reform movement. Also, coaches and their staffs, athletic directors and administrators, and related organizations such as the NCAA, have much to lose with comprehensive reform as do a multitude of derivative business employees who make their living in this domain.

The barriers to change can only be surmounted by the direct involvement of faculty who have been provided with both the responsibility and the status to protect the academic values of the university and the integrity of its education program. Faculties now have the necessary power and relevant guidelines in the form of principles and recommended practices; however, these are not sufficient for success. As with engineering education reform, a holistic approach executed with passion, perseverance, patience, timing, and momentum building will be critical in the long run. Unfortunately, there is likely a widespread perception among faculty that things are okay the way they are – why should they become involved when they have so little free time and working for change will yield little more than the psychic income associated with doing the "right thing" at great personal costs.

An alignment of common-cause, faculty-driven initiatives by the American Association of University Professors, the Coalition on Intercollegiate Athletics, and the Drake Group, with those of the Association of Governing Boards for Universities and Colleges as well as with other like-minded organizations, is seen as a strategic initiative that can help catalyze successful reform – having the potential to ignite a remarkable revolution in intercollegiate athletics. Building strength in numbers via compelling arguments and massive networking can build momentum – facilitating substantial change. In the end, strong transformational faculty leadership needs to be developed and exercised to assure a sustainable effort against the daunting and sometimes devious efforts to maintain the status quo.

### I. BACKGROUND

On May 10, my wife Judy and I attended Northwestern University's Waa-Mu 2003 Show, "This Just In" – a musical created around the idea of breaking news. How ironic it was to receive "this just in" news the next day concerning the epilogue to what was then the upcoming paperback edition of Jim Duderstadt's book, *Intercollegiate Athletics and the American University: A University President's Perspective* [1], hereafter referred to as the Epilogue. Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, wrote the Epilogue with the aim of updating readers on the progress of reform since the original publication of the book in 2000.

Some months earlier I found that the hardcover book provided a penetrating analysis of the ills besetting Intercollegiate Athletics from his unique perspective. I was especially impressed since Duderstadt was also the author of the visionary book, *A University for the 21st Century* [2] that I had been recommending as a "must read" in my writings and talks on systemic engineering education reform. By virtue of his preeminent background and experience he is now serving as the "tip of the spear" – breaking a path that can be walked by the present and next generation of reformers in multiple domains of higher education as well as our nation's knowledge infrastructure

The Epilogue's header took the form of the following quote from Thomas Paine's "Common Sense" ... a quote from 1776 that applies equally well today to writings on reform in engineering education as well as college sports: "Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason."

Over the years, efforts to reform and de-emphasize college sports have been largely ineffective. For example, a 1929 report by the Carnegie Foundation found serious fault with college football – generating debate but no significant progress to reform or control college sports [1]. A colleague recalls reading that in the 1930s, the NCAA commissioned a blue-ribbon panel to recommend ways to stop college athletics abuses. The panel, headed by the famous sportswriter Grantland Rice, came up with a simple recommendation – stop charging admission! And that was long before the advent of the really big money from television and product endorsements, today’s unprecedented series of scandals and threats of law suits, as well as meetings of university presidents, legal infighting, and Congressional scrutiny aimed at resolving dollar-pie-slicing issues under the guise of reform.

More recently, the Knight Commission and the Drake Group [3] have urgently portrayed the threat to American higher education posed by the ever-increasing commercialization and corruption of big-time college sports. The Knight Commission had this to say in its 2001 report [4]: “After digesting the extensive testimony offered over some six months, the Commission is forced to reiterate its earlier conclusion that at their worst, big-time college athletics appear to have lost their bearings. Athletics continue to threaten to overwhelm the universities in whose name they were established. Indeed, we must report that the threat has grown rather than diminished.”

Yet, big-time, TV-media college sports are apparently still operating unabated on the flimsy fictions that all athletes come to college to earn degrees, that all athletes are students first – amateurs participating for love of the game – and that the National Collegiate Athletic Association (NCAA) regulates college sports to make this really happen. Linda Bensel-Meyers, the president of the Drake Group, says: “There are reform movements, mostly trying to work through the system in different ways. All of them come up against the endemic problem: the values of a commercialized and professionalized playing field, not the values of the university, have become dominant. They become our national values. Might makes right. Scapegoat women. Win at any cost” [5]. The truth is that sports rule in a world of delusions where many university administrations are in denial with some even worse, while the public and many others would just as soon look the other way. All of this is a far cry from Duderstadt's vision of universities for the 21st Century and further yet from John Cardinal Newman’s expressed idea of a university [6]. Therefore, it is reasonable to ask: Just where are we now, what can be done, and how much time will it really take to bring about serious and comprehensive reform?

This brief begins a response to these questions via a chronicle of some recent activities stemming from related stories in the press and on the Internet. The aim is to provide a sense of current happenings and to set the stage for additional thoughts and observations – including a suggested game plan for reform that addresses the long-standing problems that not only compromise the academic missions our colleges and universities but undermine the contributions athletics can make to academic life as well. Certainly, Duderstadt’s Epilogue, and hopefully the perspectives in this brief, will prove to be of value as “grounding” material for all those taking on the formidable task of driving serious and comprehensive reform in intercollegiate athletics.

*“In the history of the peace, civil rights, environmental and women's movements, there was a similar period of many different groups with different names and agendas starting out with a network of meetings and the sharing of interpretations of problematic situations” – Rob Benford [5]*

## II. PARALLELS IN REFORM

The Epilogue re-illuminated the striking parallels between Duderstadt's effort to reform intercollegiate athletics and the Systemic Engineering Education Reform Campaign (a.k.a. the SEER Campaign) described in Appendix 1. The Duderstadt “connection” stems from the fact that the SEER Campaign is part of his larger 'campaign' to reform/transform our nation's higher education enterprise with an aim to make it relevant to the needs of the 21st Century. These campaigns are informal – by and large, loosely coupled, like-minded organizations and individuals united by the force of compelling arguments for change and a common “enemy” – money that colleges and universities can't, or, won't give-up.

Like the intercollegiate college athletics reform movement(s), one of the chief obstacles to the undergraduate engineering education reform movement is money. There is an apparent addiction to the huge amounts of money that come via the media on the one hand and by the federal government as well as corporations on the other. In his recent book, *Universities in the Marketplace: The Commercialization of Higher Education* [7], Derek Bok illuminates the extent to which universities have succumbed to commercial pressures in both athletics and research,

while Stanley N. Katz not only questions what some of today's universities are about in his article, "The Pathbreaking, Fractionalized, Uncertain World of Knowledge" [8], but also has something to say about money-driven mission warp at our nation's universities.

Most major universities have been engaged in an academic arms race and now have the equivalent of athletics facilities of professional-caliber in their expensive "research stadia" – housing facilities dedicated to advanced research in the hot areas in medicine, science and technology. Multimillion-dollar grants are given to universities by biotechnology and pharmaceutical companies on a regular basis [9]. Similarly, there is competition for big-name researchers and corporate sponsorship. The debt service on related revenue bonds must be paid by revenues that are mostly generated from government-funded research, state allocations, revenue campaigns, alumni giving, or, come out of educational funds. It's all about money – thinly veiled with cloaks of progress and reform.

### III. SOME PERSPECTIVES ON RECENT ACTIVITIES

A. The 'Beowulf' scholar – In late May, the Chicago Tribune published a *Tempo Section* article "The 'Beowulf' scholar vs Big-time college sports" [10], written by staff reporter Robert K. Elder, concerning the work of University of Oregon professor Jim Earl on intercollegiate athletics reform. Earl's aims are: first to support academic reform among student athletes and develop a greater integration of the academic and athletic sides of college life, and second, to halt what he calls an "arms race" in collegiate sports – the trend of colleges to build bigger, more expensive facilities and stadiums to compete for coaches, players and corporate sponsorship. As discussed in Section V. B, what Earl began, as faculty senate president at the University of Oregon, has become a national movement; see the box on page x for a related background comment. The movement includes the faculty Coalition on Intercollegiate Athletics (COIA), the Association of Governing Boards of Universities and Colleges (AGB), and the NCAA. Earl credits University of Indiana professor Bob Eno for follow-up on his initial efforts to engineer the tri-partite alliance between the AAUP, the AGB, and the NCAA. This movement, when combined with the earlier, and still ongoing efforts of the like-minded Drake Group, would portend the coalescing of a powerful faculty-driven force for reform.

An earlier report, in Sam Walker's *WSJ On Sports* column [11], on the positive actions taken by university presidents Gregory Geoffroy (Iowa State) and Mary Sue Coleman (University of Michigan), provided evidence of a new breed of leadership. These actions, coupled with Elder's Tribune article and several other press pieces [12-15], led to an affirming discussion with Duderstadt that triggered further writing on the subject of reform – tapping into my experience with the SEER Campaign.

B. The NCAA study: "The Effects of College Athletics" – The August 14, USA TODAY headline screamed, "College sports: Bigger isn't better," – focusing on a new study by the NCAA, "The Effects of College Athletics." The study says that college sports really don't do much better than break even moneywise. Put another way, there is apparently no justification for the arms race in college sports – colleges need all the athletic related income they can get just to cover athletic related expenses. However, it was Steve Wieberg's IN FOCUS column [16] that teed up a point for the following (unpublished) comment [17]:

"In his IN FOCUS column, Big spending no guarantee of big revenue, but sports no drain on schools," 8/14/03, Steve Wieberg reported on the new NCAA study, "The Effects of College Athletics." Although he illuminates the fact that the study lacks vital information on capital (building) projects, no mention is made of the significant costs to our universities and their students attributable to "draining" intangibles. For example, the degradation of the university's integrity and warping of its mission as an academic enterprise by the underlying culture of commercial entertainment, the damage done to the reputation of a university by scandals and revelations of corruption, and the lost opportunity costs associated with related administrative/faculty distractions and the drain on capital budgets. Although the NCAA study may be "the most comprehensive examination of the issue to date," it is but a small first step. Over the years, efforts to reform and de-emphasize the big-time, TV-media sports, NCAA Division I-A college football and basketball, have been largely ineffective. Unless and until truly comprehensive studies are performed by our universities will they have a basis for saying sports are no drain on their schools and go on as they are, or, find that the drain is intolerable in light of the role of their university as an institution serving a knowledge-driven society – and change."

Curtis Eichelberger focused on the growing use of endowments to address the financial imperative in college sports, where athletic departments face the rapidly rising costs of fielding athletic teams and paying athletes' expenses –

spending as much as \$12 million a year for scholarships alone [18]. According to Eichelberger, endowments are now seen as the best guarantee for a sports program's survival and, moreover, athletic programs with the biggest endowments will eventually gain a competitive advantage on the field. He quotes John Montgomery, a University of North Carolina booster club president as saying: "It's easier to raise money for football fields and basketball arenas, because people show up Saturday and the band is playing and fans are pouring in and it's exciting, but in the future endowments are going to become a priority for everyone. It's the only way to stem the rising costs." The salient question is: What is the drain on the university's academic endowment as the athletic department taps into wealthy donors, loyal sports fans and ex-athletes to grow their own endowment? This leads one to ask a more fundamental question: Are our colleges and universities here for athletics-based entertainment and minor-league training for the NFL and NBA, or, for increasing our knowledge of the world and finding answers to its most pressing problems? One need only follow the money to see what donors value most.

C. Presidential Coalition for Athletics Reform (PCAR) – In early September 2003, a Chicago Tribune commentary and news article [19, 20] focused attention on the Bowl Championship Series (BCS) and the competition for big money. In a related commentary, sent to Dan McGrath, Associate Managing Editor at the Chicago Tribune [21], I said the fact that the 63 BCS schools shared in a \$104 million BCS-bowl pot, while the non-BCS schools shared only \$5 million, was the likely basis for a teleconference this past July, hosted by Scott Cowen, president of Tulane University and a leading critic of the BCS system. Thirty-six Division I-A presidents and chancellors – the so-called Presidential Coalition for Athletics Reform (PCAR) – were joined in the teleconference by NCAA President Myles Brand and representatives of the Knight Commission. The aims of the teleconference were to seek: 1) Greater access and equity in college football's post-season play, 2) Higher academic standards for student-athletes, and 3) Lower operating costs for intercollegiate athletics. The key point to my commentary relating to the PCAR effort is that this "reform" ought to be compared to more specific reform ideas, e.g., those listed by Duderstadt [1, p.322]:

- 1) Elimination of freshman eligibility for varsity competition,
- 2) Replacement of "athletic scholarships" ("pay for play") by need-based financial aid,
- 3) Mainstreaming of coaching compensation and employment policies,
- 4) Establishment of firm faculty control over all aspects affecting academic integrity such the admission of student-athletes,
- 5) Assessment of student progress toward degree, and
- 6) Constraining of student participation and competitive schedules to a single academic term.

Really serious work by PCAR, aimed at higher academic standards for student-athletes, would embrace Duderstadt Items 1, 4, 5 and 6 while similar work to achieve a significant lowering of operating costs for intercollegiate athletics would embrace his Items 2, 3, and 6. However, one is left to wonder about the relevance of PCAR's first-listed aim – involving greater access and equity in college football's BCS related post-season play – to the fundamental academic mission of their universities. In an interview with USA Reporters and editors prior to his testimony before the Senate Judiciary Committee on October 29, 2003, Cowen, who favors a playoff system, said he's not swayed by objections he's heard to that format [22]. He also said the notion that a playoff might place undue demands on student-athletes is unconvincing because "basketball is already more intrusive than football" and he's not impressed by worries that a playoff might make college football seem too much like the pros: "I don't think anything could be more commercialized than what we have right now." In a follow-up meeting on November 16, the non-BCS presidents suggested a short postseason playoff to replace the single title game [23]. It would seem that Whitley had it right: "The non-BCS schools are wrapping this movement in "reform," a buzz word for returning academic priorities to football factories" [19].

#### IV. A PERSPECTIVE ON REFORM

The non-BCS PCAR effort brought to mind a September 13, New York Times article, "Overseers Missed Big Picture as Failures Led to Blackout," – an anatomy of a disaster. Although the article was of interest in its own right, it could also be likened to an ultra-high-speed version of a story about what is happening to higher education in America vis-à-vis the debilitating effects of university addiction and abuses related to the huge amounts of money associated with intercollegiate athletics and government (federal and state) supported research, particularly re: undergraduate engineering education.

To illustrate the seemingly unbounded nature of the problem in college sports, we need only note that:

- 1) Graduation rates at Division 1 football and basketball schools are still shamefully low [24];
- 2) The Baylor University Board of Regents had just voted retain their president, notwithstanding the urging of five (of 36) regents and faculty members to oust him via a no-confidence vote based on his questionable leadership after the fatal incident involving players in their basketball program and the subsequent disclosure of major NCAA violations;
- 3) Baylor, the world's largest Baptist university, now shaken by scandal, is not alone as Ohio State was contending with a federal complaint against them by a suspended running back – asking for a \$2.5 million fine, Fresno State begins four years of probation for violations including academic fraud, and Penn State has to deal with a mounting number of off-field arrests and incidents involving members of the football team;
- 4) WSJ Sports Editor Sam Walker, revealed a return to an end-around play in his September 12, column, "The Last Days of Juco" – describing the increase in "juco" (junior college) transfers to powerhouse football programs. Walker states that "the majority of junior college transfers are football mercenaries who don't graduate." This, despite all the talk of academic reform in college sports;
- 5) Meanwhile some parents are pondering the trickle-down effect: at Rainier High School in Washington where a lavish welcome was provided for their new volunteer football coach, a fired University of Washington football coach, and at Detroit's Butzel Middle School where a controversial U.S. District Court sentencing of a former University of Michigan basketball player requires him to spend 150 hours in each of the next two years helping students with, among other academic pursuits, "living skills;"
- 6) On October 30, a Memphis businessman and Crimson Tide booster was indicted by a grand jury for allegedly paying \$150,000 to have a promising football player attend the University of Alabama. – pleading innocent to charges, which include conspiracy, crossing state lines to commit racketeering and arranging bank withdrawals to cover up a crime. His co-conspirator has pleaded guilty and is currently awaiting sentencing.
- 7) Lastly, on November 4, the *Indianapolis Star* announced: Tonight's Mid-American Conference game between No. 20 Bowling Green and Miami (Ohio) will mark the start of five consecutive days of televised college games. It also reported that the Knight Commission would examine the situation.

***"I was both steaming and laughing to myself after flipping on the TV last night, a Thursday night close to 11 Eastern Time. The Maryland-Virginia football game was just concluding on ESPN, the St. John's-Marquette basketball game from Madison Square Garden was not yet at half-time on another ESPN station, while the Murray State-Tennessee Martin football game was a couple minutes into the fourth quarter on a regional FOX affiliate. Damn, for the life of me I couldn't find a pro game anywhere at this hour \_ but plenty of sports from college campuses." – Mike Fish, Senior Writer, Sports Illustrated (SI.com), personal communication, November 14, 2003.***

One is left to wonder: How bad does it have to get before a really serious effort is made to reform American Universities? And: Have the problems been allowed to increase to the point where substantial remedies are no longer possible? In their landmark empirical study, *The Game of Life: College Sports and Educational Values*, James Schulman and William Bowen presented findings concerning the admission gaps and growing academic underperformance among athletes at Division III schools – tearing away the myths shrouding selective colleges and universities [25]. In the preface to the paperback edition, the authors responded to a critic, who liked the book but hated their "tepid" suggestions for reform, by saying: "Time will tell whether he, and others who feel that the system is so badly broken that there is no way to fix it are prescient."

Niccolò Machiavelli had something to say about the difficulties resulting from these situations: "By making provisions in advance, princes may easily avoid such difficulties; but if they wait until they are near at hand, the medicine will not be in time, for by then the malady will have become incurable. In this matter the situation is the same as the physicians report concerning hectic fever: in the beginning the disease is easy to cure but hard to diagnose; with the passage of time, having gone unrecognized and unmedicated, it becomes easy to diagnose but hard to cure. So it is with a state: when ills are recognized in advance (and only the prudent can do this) they are quickly cured. But when, having gone unrecognized, they are allowed to increase until everyone may recognize them, then remedy is no longer possible" [26].

## V. WHAT TO DO ABOUT REFORM

**A. Working in the Real World of Reform** – Although the recent NCAA study, “The Effects of College Athletics,” may be the most comprehensive examination of the issue to date, it is but a small first step. A few of the remarks I made to the reform-minded attendees of the NSF Engineering Education Coalitions Conference this past March seem apropos to NCAA reform efforts of late. The remarks were spun-off a quote from John Mitchell: “Watch what we do, not what we say.” The variant was: “Listen to what is said, but watch what is done and *not* done. An example from the SEER Campaign: Engineering school deans, faculty, and administrators who oppose change could be unwittingly undermining the long-term viability of their engineering schools in the engineering education marketplace. Nevertheless, behind-the-scenes opposition to change came from some of those ostensibly advocating and/or supporting change – not surprising, since most people ultimately act in accordance with what they see as their near-term, vested self-interest.

Duderstadt suggests that “working through athletic organizations such as the NCAA, the conferences, or the athletic departments is futile since these are led or influenced by those who have the most to gain from the further commercialization of college sports” [1]. It is his belief that we would never achieve true reform or control through these organizations, since the foxes are in firm control of the hen house. He also says university presidents are trapped between a rock and a hard place: “between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously.” He went on to say: “It should be clear that few contemporary university presidents have the capacity, the will, or the appetite to lead a true reform movement in college sports.”

But there can be exceptions – Vanderbilt University for one. In his September 9, announcement concerning the restructuring of the school’s athletics program, Vanderbilt Chancellor Gordon Gee said: “For too long, college athletics has been segregated from the core mission of the University. As a result, we have created a culture, both on this campus and nationally, that is disconnected from our students, faculty and other constituents, where responsibility is diffuse, the potential for abuse considerable and the costs – both financial and academic–unsustainable. Nothing short of a revolution will stop what has become a crisis of conscience and integrity for colleges and universities in this country. Let there be no misunderstanding of our intention: Vanderbilt is committed to competing at the highest levels in the Southeastern Conference and the NCAA, but we intend on competing consistent with the values of a world-class university” [27].

Bob Verdi, illuminated the problem with some very strong words in a Chicago Tribune commentary [28] – saying: “what’s sad is that Ohio State and the NCAA and all those other mopes in the intercollegiate sports sewer system think we are so stupid ... if the people who run Ohio State ... really cared about doing what’s right, they would forfeit their championship.” He goes on to say: “Once upon a time, after he became famous for roughing up Bob Knight at Indiana, Myles Brand got the big job in the NCAA. But his sick little domain is not having a banner year. Georgia, St. Bonaventure and Fresno State got nailed in basketball. Dave Bliss, a cur of a coach at Baylor, tried to portray a murdered player, Patrick Dennehy, as a drug salesman. Then there was Larry Eustachy and now there is Maurice Clarett. This stuff would never have happened if Myles Brand were still alive.”

***“Higher education must draw together all of its strengths and assets to reassert the primary of the educational mission of the academy. The message that all parts of the higher education community must proclaim is emphatic: Together, we created today’s disgraceful environment. Only by acting together can we clean it up.” – The Knight Commission [4]***

Although Verdi would appear to be overly harsh with respect to Brand and the NCAA, he certainly makes the point while reflecting deep cynicism concerning Brand’s getting the “big job” at the NCAA after he fired Bobby Knight when he was serving as the president of Indiana University. The choice of Brand, the first university president to lead the NCAA, appears to say it wants to put academics ahead of athletics. Only time will tell if he will be allowed to affect stringent reform measures with very sharp teeth, or, really do nothing more than nibble at the margins while avoiding core problems – picking the low-hanging fruit, e.g., the over three dozen Division I schools that have not graduated a single men’s basketball player in five years. Two core problems that undermine reform are the huge financial incentives to maintain the status quo and the “legally-concealed” academic performance of athletes.

Eloquent and forceful rhetoric about the urgency of change by Brand and other well known spokespersons can easily lead to a sense of security even though meaningful action is not or will not be taken by these folks to affect significant change. As university presidents John L. Hennessy of Stanford and Nannerl O. Keohane of Duke have said: “Given the enormous broadcasting revenues at stake, moreover, the NCAA faces a conflict between its sometimes-contradictory roles as promoter and governor of intercollegiate athletics” [29], Appendix 2. Also, Cedric Dempsey, Brand’s predecessor, has said, the NCAA “has regulated itself into paralysis” [4, p. 24]. Now by all accounts, Brand is a sincere person of high integrity with the best of intentions and an understanding of the perilous future faced by college sports unwilling to undergo serious reform. However, it is doubtful that the NCAA has provided him with a mandate and the means to affect really serious reform, that is, empowered him to emulate Judge Kenesaw Mountain Landis. Landis, baseball’s first commissioner took control of major league baseball when its integrity was in question – restoring integrity by banning eight members of the 1919, Chicago Black Sox.

**B. Faculty-Driven Reform** – Strong transformational faculty leadership needs to be developed and exercised to assure a sustainable effort against the daunting and sometimes devious efforts to maintain the status quo. The academic interests of higher education rather than the commercial values of the entertainment industry would characterize this faculty effort. The good news is that such efforts are already underway. The years 1999 and 2000 saw the formation of the Drake Group [3] with its mission of helping faculty and staffs defend academic integrity in the face of the burgeoning college-sport industry. Jon Ericson, the founder of the Drake Group is an emeritus professor and former provost at Drake University. He believes that disclosure is the key to reform – contending that revealing athletes’ test scores, grades and courses – kept hidden through federal privacy statutes – can change the closed society of college sports. The Drake Group works to support faculty whose job security is threatened for defending academic standards, disseminates information on current issues and controversies in sports and higher education, and seeks to form coalitions with other groups that share its mission and goals. It also lobbies for proposals that insure quality education for college athletes. Allen Sack, a sociology professor at the University of New Haven, summed up the Group’s mission this way: “Our role is to dig in our heels and take back our classrooms. We should have the same territoriality as coaches. Right now, we’re bending too much” [30].

The emergence of the Coalition on Intercollegiate Athletics (COIA) is seen as really good news. Numerous contacts with the leadership have proved to be most encouraging. Presently, the mantle of the COIA leadership has been taken up by Bob Eno and Jim Earl, now serving as the COIA Co-chairs, and Northwestern University professor Carol Simpson Stern, an AAUP past president who is currently serving as Chair of the National AAUP Committee C on College and University Teaching, Research and Publication. In October 2002 this committee published a set of principles and recommended practices titled, “The Faculty Role in the Reform of Intercollegiate Athletics,” that covered Faculty Governance, Admissions and Financial Aid, Academic Services and Support Services, and Finances [31].

As mentioned previously, the COIA is a faculty group advocating for reform in intercollegiate athletics – formed in 2002 as a consequence of Earl’s initial efforts at the University of Oregon. It is comprised of faculty leaders from over fifty Division I-A schools in Bowl Championship Series (BCS) conferences, including the Atlantic Coast Conference, the Big-12, the Big East, the Big Ten, the Pac-10, and the Southeastern Conference. The COIA representative of faculty senate leaders at conference schools and functions through a Steering Committee of thirteen members, nominated by faculty leaders in each conference.

The COIA works with the AAUP, the NCAA and the AGB, a national organization representing college and university trustees, to promote serious and comprehensive reform of intercollegiate sports. Their stated aim is to preserve and enhance the contributions athletics can make to academic life by addressing longstanding problems in college sports that undermine those contributions. A more detailed description of the Coalition’s goals is developed in a document titled, “Framework for Intercollegiate Athletics Reform,” see Appendix 3. This document, hereafter referred to as the Framework, maps onto the AAUP’s document, “The Faculty Role in the Reform of Intercollegiate Athletics.” It spells out the central directions for reform in language designed to be flexible enough to allow for debate and local differences without weakening the drive for national consensus.

The COIA Steering Committee published the Framework document in August 2003. It has been proposed for adoption by faculty governance groups at schools involved in the Coalition. According to Earl [32], the Coalition’s

short-term goal is to obtain agreement on clear, achievable, practical, enforceable and meaningful reforms starting with academic standards and governance practices – relying on well established faculty governance procedures – while the ultimate goal is to bring about comprehensive reform – including adjustment of season length, and team size, cost-cutting, re-commitment to amateurism (particularly in revenue producing sports), and reduced dependence on commercial contracts by working with the AGB, NCAA and others.

Most recently, the COIA collaborated with the NCAA in the planning for the intercollegiate athletics focused 2003 AAUP Governance Conference that was held in Indianapolis October 9-11. The plenary addresses were given by Brand, Earl, Stern, and John Walda, AGB Chair, and chair of the tripartite alliance – delivering NCAA, AAUP, COIA, and AGB perspectives on Intercollegiate Athletics reform. Earl said that the COIA is “eager to see reform take place under NCAA leadership if possible” [32]. However, as time goes on, the AAUP, COIA, and the Drake Group leadership, as well as other proactive faculty, will likely feel the really heavy weight of their lances – risking burnout when they face the defensive efforts of the foxes (at the NCAA and elsewhere) and university presidents to minimize reform. The reform task is formidable and the related work is really not the faculty’s “day job” – faculties were certainly not hired to worry about college sports. Bob Bowsby, the athletic director at Iowa and the president of the NCAA Division I-A athletic directors has said: “those groups cannot manage the logistics of change; they don't know what questions to ask. They can define parameters, but it will have to come back to faculty athletic representatives, university presidents and athletic administrators. We know where the bodies are buried” [33].

*“Sometimes, the knottiest dilemmas, when seen from the systems point of view, aren’t dilemmas at all. They are artifacts of “snapshot” rather than “process” thinking, and appear in a whole new light once you think consciously of change over time.”*  
– Peter M. Senge, *The Fifth Discipline – The Art & Practice of the Learning Organization*

Furthermore, the faculty will have to cope with false friends and the foxes guarding the hen house. Salient examples of this problem can be seen in the questioning of the need for groups outside the NCAA to become involved in solving the problems in college sports by Joseph Castiglione, president of the National Association of Collegiate Directors of Athletics [34] and in close examination of Bryan Gruley’s investigative “case-study” report on the compromised effort to mount a serious drive to curb student alcohol abuse at Florida State University [35]. The faculty will also need to cope with their sports-crazed colleagues, alumni, boosters and other avid sports fans that are quick to forgive and forget popular athletes and coaches accused of serious crimes but will likely resent any intrusion into their entertainment venue. Consider the following mindset via an admittedly dated comment by a former California Superintendent of Schools: “Critics of college football are kooks, crumbums and commies – hairy, loudmouthed beatniks. Football is war without killing . . . [and] football players possess a clear, bright, fighting spirit which is America itself” [36]. College sports are not only embedded in our national culture, but they seem to be hard-wired into our genetic structure as well – stemming from our pre-historic zest for the chase and kill as well as for the later-day winning of the “games” and the “prize”

On the other hand, college sports is the day job for the, coaches and their staffs, athletic directors and administrators, related associations, and a wide variety of derivative business employees who make their living in this domain, not to mention governors and state legislators anxious to please their devout-sports-fan constituents. Taken together, these folks comprise a large cohort of the potentially endangered species of foxes. These defenders have much to lose if their “empires” are downsized, while those working for change realize little more than the psychic income associated with doing the “right thing” at great costs in terms of personal time, vilification and the potential for retribution among other tribulations.

## **VI. A SUGGESTED GAME PLAN FOR REFORM**

**A. An Operating Strategy**– As discussed, despite the difference between athletic and academic drivers, there are striking similarities in the barriers to be surmounted to bring about reform in intercollegiate athletics and in undergraduate engineering education. These similarities stem from their common university setting and the large amounts of money involved in each area. So, it would not be surprising to find similarities in approaches to solving related problems as well. Perhaps these would involve following the operating strategy for the SEER Campaign (see Appendix 1 for the background and approach to systemic engineering education reform), that is, employ massive networking via the Internet to accelerate diffusion of the idea of comprehensive reform in Intercollegiate Athletics



Widespread promulgation of the ideas related to reform should tip the diffusion process at this opportune time. The aim would be to move faculty and other stakeholders to awareness-to-understanding-to-commitment-to-action with the reform efforts of the AAUP, the COIA, and the Drake Group well served by support from the Knight Commission, the American Association for Higher Education, the Association of American Universities, the National Institute for Sports Reform, and the American Council on Education.

For reform to be successful in the long run, a holistic process must be "engineered" ... a process involving education, relationship building, ongoing communications, and collaboration with other like-minded constituencies. Also, the Gordian-knot-like dilemma in college sports may best be cut with Occam's Razor – a guiding principle that points in the direction of simple solutions that go to the core of the problem, usually with a high likelihood of being correct, more robust, and easier to enforce than (paralyzing) complex ones.

**B. Working with the NCAA and the AGB** – The NCAA and university governing boards appear to have been unwitting facilitators and major actors in what WSJ Sports Editor Sam Walker calls “the continuing absurdist drama of college sports” [11]. To paraphrase Roderick Chu, if the NCAA and university governing boards just keep on doing what they have always done, we will keep getting what we always got.

Faculty will likely find that working with the NCAA is akin to working with a double-edged sword. Robert Lipsyte illuminates the dilemma faced by reformers: “Without the NCAA, its supporters say, college sports would be Afghanistan. Its critics say the NCAA maintains a hypocritical system and that expecting reform from the NCAA is like waiting for the evildoers to voluntarily disarm” [5]. There are obvious benefits associated with the NCAA's human, financial, and networking resources, as well as its national span of control. But, on the other hand, there is the risk of losing faculty control while providing academic cover for weak national-level reform and an abundance of material for associated NCAA public relations. However, the NCAA door should be left open as Brand could rise to the occasion and really press a serious “reform-or-else” agenda – confounding cynics by outwitting the "foxes" on (or who influence) the NCAA Executive Committee and/or the various boards and councils representing NCAA Governance. The NCAA will likely not want to risk the likely consequences associated with terminating such a well-known reformer – high heat from the press and congress as well as the loss of NCAA control inherent in a potential faculty fallback strategy based on strictly academic organizations.

For example, efforts to achieve substantial reform could proceed effectively if such efforts are directed and controlled solely through academic faculty-group organizations, such as the AAUP, the COIA, and the Drake Group, with the AGB in a supporting role. Overtime, these efforts would focus on upgrading academic admission, retention, and graduation standards at individual schools and conferences as well as on mechanisms for reporting the academic performance of athletes – thinking nationally but acting in local concert. These academic organizations can learn from the NCAA, but would not altogether rely on it to put a significant curb on the rampant money madness, corruption, and academic mission warp associated with today's form of college sports.

Given all of the above, it would seem that the best strategy for a coalition of faculty groups re: working with the NCAA would be based on desired outcomes – avoiding the detailed mechanisms and logistics of change. First, the NCAA needs to be asked to walk the talk – to really do what it says it is going to do – getting it to specify the measurable action(s) it will take to ensure that:

- 1) Intercollegiate athletics serves as an integral part of the athlete's undergraduate education,
- 2) The financial influences and ethical pressures associated with the economics of intercollegiate athletics are not allowed to influence the ideals, sense of community and public recognition of its member institutions,
- 3) Member institutions realize systemic academic and athletics integrity,
- 4) It will work to catalyze the successful institutional integration of intercollegiate athletics with the undergraduate experience – positioning the ideals of collegiate athletics as a positive force in our national culture,
- 5) It will work to maintain a proper balance between the pressure to win and the academic achievement of athletes,
- 6) The COIA Framework for Reform is reflected in a time-lined NCAA Plan of Action – including severe penalties for infractions, i.e., adequate to the task of attaining serious and comprehensive reform, and
- 7) Rules and regulations are aggressively enforced with infractions/violations dealt with in a timely fashion.

The next step would be to provide oversight by designees of the faculty groups and the AGB to assure compliance. The ability of the faculty groups to work together will be key. Obviously, the devil will be in the details of any NCAA flesh-out of the COIA Framework for Reform. Reflection by all parties on the reform ideas outlined by

Bok [7, Chapter 7], Duderstadt (see III C, page 4), Hennessy and Keohane [29], as well as in current NCAA Division-level reform legislative packages and proposals, would make for a good start. Also, highly recommended is the sequel to *The Game of Life* [25] by William Bowen and Sarah Levin. Their book, *Reclaiming the Game*, provides a detailed reform agenda worthy of serious discussion and debate [37, pp. 243-316].

Like that of corporate board members, the role of university trustees has never been more crucial. The lead article, "How to be a Good Director," by Carol Hymowitz [38] in the Wall Street Journal Report on Corporate Governance, offers guidance that is equally applicable in a university setting. What makes a good director? The answer to that question certainly involves being more informed, more skeptical and more independent. But Hymowitz goes on to question whether directors have the time required to do a good job – asking how can directors get all the information they need to understand a company's core issues, and how can they review a company's financial performance and assess strategy without taking on the jobs of executives?

***"Although leadership is essential at the presidential level, it is also crucial for trustees, alumni, faculty, and athletic administrators to be proactive in pursuing new directions." – William Bowen and Sarah Levin [37]***

Bok, [7, Chapter 7], offers several pertinent suggestions in this area. For example, the AGB could be urged to undertake a program to educate trustees about the effects of intercollegiate athletics in conjunction with agreements on the part of NCAA divisions or individual athletic conferences to require presidents submit an annual report to their trustees detailing relevant facts on their athletic programs and their financial as well as academic impacts. The AGB could also be urged to have the presidents of Division I schools work within their respective conferences to reduce the financial incentive to corrupt the system and erode academic values by phasing in ways to share athletic revenues more equally. Ultimately it will be the presidents, working in collaboration with all stakeholders that will determine the extent to which reform in higher education can take place. Their faculty senates would be a good place to begin to dialogue on the COIA Framework document – discussing admission standards, academic performance oversight, recruitment, athletic scholarships, and the real financial costs of athletic programs.

**C. Going Forward** – An informal link between the reform movements in Intercollegiate Athletics and Engineering Education, represented by the AAUP/COIA/Drake Group and SEER efforts, should prove to be of value re: cross learning and sharing for continuous improvement of the reform process. My personal experience with paradigm shifts and reform movements in areas spanning religious, sociopolitical, and technological endeavors has taught me that you can learn much from the efforts of change agents in quite different areas than your own – sometimes in surprising ways. For example, in her book, *When Smoke Ran Like Water: Tales of Environmental Deception and the Battle Against Pollution* [39], Devra Lee Davis tells how the connections between relatively low levels of pollutants and chronic health problems finally became the grounds for a significant change in the auto industry. Davis says: "What's scandalous is how many years had to pass, how often the results had to be replicated; how stubbornly, consistently, and brazenly some in the industry fought against their acceptance; how easy it was to buy experts who would weigh in on the side of delay; and block important studies from proceeding; and how many people had to get sick and die before the necessary actions were taken."

How easy it would be to rewrite Davis' statement in the vernacular of higher education reform – intercollegiate athletics and undergraduate engineering education being two cases in point. Additionally, Gerald Markowitz and David Rosner tell a similar story in their book, *Deceit and Denial: The Deadly Politics of Industrial Pollution*. There is literally no end to the efforts that will be exerted to maintain the status quo when big money is involved, and big money is involved with both Intercollegiate Athletics and Sponsored Research.

## VII. CONCLUDING REMARKS

It is my view that Derek Bok, Jim Duderstadt, Stanley Katz, the Knight Commission, and others have correctly diagnosed the ills of our American Universities. Recommended cures abound. However, it will be hard, if not impossible, to develop a perfect cure for these ills. Perhaps all that can be done is what can be done. After all, isn't politics all about the art of doing the possible? Again, the perfect can be the mortal enemy of the good. Bottom line, resistance to change is indeed formidable, but not altogether impossible, or without issues. For example, in

Vanderbilt's restructuring program, departments that handle varsity and intramural sports were merged while eliminating the position of athletic director [40]. However, this initiative evoked problems as the former athletic director turned down a job as the special assistant to the chancellor for athletic and academic reforms while criticizing the reorganization of the athletic department. Chancellor Gordon Gee who orchestrated the merger said: "Other universities have called and said: Good, you jump off that cliff, and if it works get back to me. I suspect they're sweating bullets with all this national attention.... If I were to try this at Ohio State, I would end up pumping gas" [41]. Nonetheless, as difficult as it may be, I believe that much more can be done over time than heretofore, however, it will take substantial time and energy on the part of those committed to reform.

***"Problems cannot be solved in the context in which they were created." – Albert Einstein***

The barriers to change can only be surmounted by the direct involvement of faculty. They may very well be the best hope for the future of higher education. As Duderstadt has said, the faculty members have been provided with both the responsibility and the status (e.g., tenure) to protect the academic values of the university and the integrity of its education program as outlined in the AAUP statement on principles and recommended practices. Although the faculty have the necessary power, it is not sufficient for success. Passion, unity of purpose, perseverance, patience, timing, and momentum building will be critical to success in the long run. Unfortunately, the athletic tail has been wagging the academic dog for so long that there is likely a widespread perception among faculty that it is right or that is just the way it is. Put another way, the warping of the academic mission of our colleges and universities by athletics, and the fact that faculty have the power to remedy the situation – to reclaim academic primacy in higher education – seems to be beyond the realization of most faculty. Also, many faculty will say they don't have the time or inclination to become involved with reform – it's not their job/responsibility, or they are just too busy with many more urgent commitments on their time, while others do not see the long-term, debilitating impact of a two-culture academic enterprise. So, the work of the faculty-group leadership will be difficult indeed.

Beyond interaction with faculty senates on the COIA Framework document, the COIA leadership must also work in concert with the AGB and other faculty-based reform leaders, as well as with a variety of stakeholders to achieve maximum impact. They need a broad base of support to make the difficult move from statements to action, and finally, to faculty-senate legislation. Hopefully, their near-term efforts will lay the foundation for changes consistent with their Framework document ... changes that can be agreed upon within the next year or so. In the long run, the success of this faculty-driven initiative depends not only upon growing academic and public pressure for reform, but also on the dynamics of proposals and negotiation. The faculty must get to the core of the problem –resisting least-common-denominator legislation while skillfully avoiding pitfalls in the form of dead-end changes that would be in violation of anti-trust law and federal privacy statutes as they stand today.

Unless and until truly comprehensive studies are performed by our universities will they have a basis for saying sports are no drain on their schools and go on as they are, or, find that the drain is intolerable in light of the role of their university as an institution serving a knowledge-driven society – and change. Non-BCS schools that want a bigger piece of the BCS pie would have to continue arguing for improved equity at meetings like those held in the Fall of 20003, or heed David Whitley's advice: "Stop complaining and earn it" (by investing ever more in their athletic programs). The latter path has all the hallmarks of an easy road to glory for the school's athletes and a road to perdition for their academic missions. A recent Chicago Tribune Editorial [42] said it well: "It's time to drop the pretense that all athletes are in college to get an education College classrooms are intended for those who want to be there, not to help potential football stars pretend to be serious students." Faculty senates can work collaboratively to minimize abuses in this area.

In the Preface to her book, *When Smoke Ran Like Water*, Davis reaches back a half-century for a reform-related tale from her Jewish Midrash (story-telling) tradition. It goes as follows: "A group of workers is asked to do something quite difficult and complicated. They protest, The day is short! The work is too difficult! The project is too big! We do not have the right tools! And anyway, we are too tired! We will never finish this job! Their teacher replies, It is not for you to finish the task. But---you must begin."

Faculty-driven reform is off to a great beginning – proceeding through academic organizations, characterized by the academic interests of higher education rather than the commercial values of the entertainment industry. Although it

is only a beginning, it has the potential to ignite a remarkable revolution in intercollegiate athletics. The faculty needs to achieve strength in numbers via compelling arguments and massive networking to build momentum and facilitate substantial change. Critical to their success will not only be their ability to dedicate requisite time and energy on this vital task, but to work holistically with many other groups as well. Their collaborative mode of operation can set an example for university and college presidents as well as trustees to work in a like manner.

In the end, strong transformational faculty leadership needs to be developed and exercised to assure a sustainable effort against the daunting and sometimes devious efforts to maintain the status quo. The faculty groups will need all the support they can muster. Education and collaboration will be key. Their efforts would benefit from support by like-minded organizations: the Knight Commission, the American Association for Higher Education, the Association of American Universities, the American Council on Education and the National Institute for Sports Reform, as well as from higher education's distinguished elders. Finally, all of higher education – academics as well as intercollegiate athletics – will be well served by close oversight of the reform effort by the AAUP, the COIA, the Drake Group and the AGB, as well as by the watchful eye and the intense scrutiny of the press.

## AFTERWORD

The unabated scandals and abuses associated with intercollegiate athletics triggered a reconvening of the Knight Commission on November 24 to launch a third major study of college sports. Shortly thereafter, came the BCS computer-determination of this year's football-bowl pairings. The pairings renewed clamoring for a playoff game to determine the best team in the land with an associated extension of the football season.

***“... let the networks bid on those (the traditional pre-BCS, bowl-conference games) if they want to and then sit down and review the possibility of the winner of the four major bowls in a playoff. The only drawback to that system is that the two teams in the ‘title’ game would be playing at least 14 games. They might as well forget school. It’s a tough thing. But as you well know, presidents can be bought.” – Bo Schembechler [43]***

In a related article in the December 21, *Detroit Free Press*, “Great football vs. graduation,” Ron Dzwonkowski reported that after a review of the graduation rates for football players over the last four years, the Knight Commission found that with a minimum 50% graduation rule, 26 of this year's bowl games could not be played, because 32 of the 56 teams would be ineligible. The Commission Chairman William C. Friday was quoted as saying: “It is unacceptable ... that nearly two-thirds of the teams participating in bowl games fail to graduate at least 50% of their players. It is a reasonable, indeed, minimum, standard for demonstrating that academics are valued in big-time college football.” Dzwonkowski says: “Nobody's listening, of course. Football fans are more worried about who's carrying the ball in the big games than whether anyone on the team will ever carry a diploma.” However, some people really are listening.

In his November 29, *New York Times* article, “From Discordant Notes, Reformers Hear One Song,” Robert Lipsyte said there is likely to be a revolution in college sports: “Among the increasingly vocal, yet frustrated and fragmented, reformers of sport, the only point of agreement seems to be that sometime soon, perhaps between the Bowl Championship Series and the Final Four, something will happen to alert America to its runaway athletic culture.” He goes on to say: “There is no consensus on what form that wake-up call should take. Conservative reformers hope that the National Collegiate Athletic Association will pinch and weed its wild garden of rules and enforce violations more aggressively. Centrists see college presidents reining in their warlord coaches by the purse strings. The more progressive envision mild civil disobedience that will include consciousness-raising teach-ins. Radicals predict college athletes will threaten a sit-down strike moments before the big game unless television producers come up with cash, or at least a benefits package.”

Lipsyte mentions a few groups and individuals not mentioned heretofore, with his comments in quotes, these are:

- 1) The National Institute for Sports Reform (NISR), <http://www.nisr.org> – “a new umbrella organization that will try to bring coaches, athletes, academics, parents and community leaders into a clearinghouse for such interrelated issues as early specialization, athletic scholarships, drug use, violence, sports injuries and the crisis in fitness.”
- 2) The Center for the Study of Sport and Society at Northeastern University – “best known for groundbreaking studies on race and gender;”
- 3) The Positive Coaching Alliance at Stanford – provides guidelines for leadership of youth sports.
- 4) Single Issue Champions – Kathy Redmond, who founded the National Coalition Against Violent Athletes; Hank Nuwer, who writes about hazing and bullying; and Ramogi Huma, a former UCLA linebacker who has lobbied for increased health and welfare benefits for scholarship athletes.

According to Lipsyte, NISR founder Bruce Svare, a professor of psychology and neuroscience at the State University at Albany, is not enthusiastic about the possibility of civil disobedience saying: “unless there is full involvement by athletes, former coaches, former players, etc., and a well-thought-out plan that is articulated to the media well in advance and executed with the kind of precision that the NCAA blitzes us with during March Madness.” Lipsyte also quotes Rob Benford, a sociology professor at the University of Southern Illinois at Carbondale, as saying “I think we are seeing the early stages of a movement, what we call the ‘micro mobilization context.’ Right now it's loose, amorphous, federated, which is typical. It has to form a collective identity, which hasn't happened yet. I haven't given up on the faculty, but that's not where the hearts and minds of people will be won. Fans are interested in athletes, not professors.” True enough, but presidents, trustees, athletes, coaches, and the NCAA should be profoundly interested.

During the past several months, I have been reminded often of prior work on reform movements that began some forty years ago. No matter the area or object of reform, the movements had one thing in common – fragmentation of effort. This fragmentation is driven by the desire of involved parties to do their own thing for their own good reasons. Apparently not recognized is the real challenge – mutual support – working together for a cause that is larger than the self interest of any one person or organization, for a greater good if you will. Perhaps the difficulty in doing this is simply a manifestation of the human condition. Most certainly, it could be an impediment to surmounting the formidable barriers that have heretofore shielded intercollegiate athletics from serious reform.

And now for a final word that goes back to a beginning – way back to Sunday, June 12, 1955. The occasion was the last commencement exercise at the Fournier Institute of Technology in Lemont, Illinois. The late Arthur J. Schmitt, “AJ,” the educational innovator who founded Fournier in 1943, gave the welcome address.

The president of the University of Notre Dame, Father Theodore M. Hesburgh, C.S.C., gave the Commencement Address. It was just three years since he took over the reigns from his predecessor, Father John Cavanaugh, C.S.C., to become Notre Dame's youngest-ever president. It was four years since Father Cavanaugh gave the Commencement Address to the Class of 1951 – Fournier's first graduating class.

Among the many guests in the audience that day were two recent Fournier graduates, Richard C. Becker, Class of 1953, and the author, Class of 1952. After a distinguished career in industry, Dr. Becker went on to serve as the president of Illinois Benedictine University. He now serves as the Chair of the Arthur J. Schmitt Foundation.

Fr. Hesburgh served as the president of Notre Dame for 35 years, the longest term in the school's history. He also served as a counselor to seven U.S. presidents and several popes, as the founder of the Peace Corps, as chair of the U.S. Commission on Civil Rights, as co-chair with William C. Friday of the Knight Commission on Intercollegiate Athletics, and as a role model for all the weak who work to confound the strong. He continues to be active in retirement, chairing the advisory committees of the Kroc Institute for International Peace Studies and the Kellogg Institute for International Studies, both housed at the Hesburgh Center for International Studies at Notre Dame.

As fate would have it, I was never able to have a one-on-one with Fr. Hesburgh through all of the ensuing years. In the fall of 1988, I was invited to visit Notre Dame by Tony Michel who was then Dean of Engineering and a fellow director of the International Engineering Consortium. The purpose of the visit was to give the Industry-Day banquet address to the engineering students at Notre Dame. I missed visiting with Fr. Hesburgh since he was off campus at the time. However, we were in paper contact in early 1990 after my wife Judy and I presented the 1989 Chicago Area Beyond War Foundation Award to a mutual friend, Bishop William McManus for his work on peace and justice.

At the time, Fr. Hesburgh was a member of the International 1989 Beyond War Award Selection Committee and had great interest in the work of the foundation to build a world beyond war. A few years later we tried to arrange a visit and dinner at the Guide's Inn in Boulder Junction when my wife and I were at our summer residence in Star Lake, Wisconsin. Unfortunately, circumstances at the time and thereafter were such that we were never able to get together; he was not spending much time at the Notre Dame Conference Center in Land O'Lakes. I was in the beginning stages of some serious health problems that provided ample opportunity to read as well as be inspired by his autobiography, *God, Country, Notre Dame*. All of that is now history. This brief presented yet another opportunity for our paths to cross ... for sure.

In early November, I wrote to Fr. Hesburgh to ask for help in the way of comments and suggestions relative to the brief. Input from the perspective of a co-chair of the twice-convened Knight Commission on Intercollegiate Athletics was considered to be a most valuable addition. Shortly thereafter we had a wide ranging telephone conversation, ending with his offer to help in any way he could. My response to his offer came the next day in the form of an invitation to write the Foreword for the brief along with a request for a follow-up meeting to discuss his views on the future of higher education in the United States. With all agreed, my wife and I made plans to visit Fr. Hesburgh on December 2, in his office at the Hesburgh Library. Good news came when his assistant, Melanie Chapleau, called the evening before to say all was ready: "Father has finished the Foreword."

I must say that it has been one of life's greatest pleasures to be able to "come together" after some 48 years. Working and meeting with Fr. Hesburgh proved to have its own rich rewards. It also brought back fond memories of "AJ" and a sense of deep gratitude for my educational experience at Fournier, an experience that profoundly influenced my thinking, career, and direction in life.

## ACKNOWLEDGEMENTS

Over the past several months, many organizations and people contributed to the work described in this brief at different times and in a variety of ways. Ultimately, people, and not organizations, really helped to make things happen. My appreciation and thanks go to all those who contributed to the development of this brief, each in their own way. Early on, Jim Duderstadt provided encouragement as well as valuable insights via his books and personal communications. The leaders of the faculty driven reform movement, Jim Earl, Bob Eno, and Carol Simpson Stern were particularly helpful as well as encouraging, as were Devra Lee Davis, Jon Ericson, Bob Janowiak, and Stanley Katz.

The *Chicago Tribune's* Bob Elder and the *Wall Street Journal's* Sam Walker and Bryan Gruley, and *Sports Illustrated's* Mike Fish were helpful with background information on the University of Oregon initiative, the Presidential Coalition for Athletics Reform, the Florida State University reform initiative and college sports respectively. Dick Becker, John Birge, Conrad Carlson, Dick Carsello, Ed Ernst, Abe Haddad, Joe Heitz, John Prados, George Rassas, Tom Splitt, Walter Splitt, Arthur Welby, Peter Wrenn, and Anne Zamzow provided comments and useful insights. John and Carolyn Jacobs, Bob and Carol Tucker, and Jim and Kay Vaughan – all avid college sports fans and summertime residents of Starlake, Wisconsin – did yeoman service, researching related press stories while acting as sounding boards for some of the ideas expressed in the brief.

My special thanks to Fr. Hesburgh for his encouragement, strong personal support, and for his thoughtful Foreword and to Melanie Chapleau for her help in navigating this work through his unbelievably-busy schedule. Also, special thanks to all those who took the time to provide thoughtful commentaries on prepublication issues of the brief, as well as to the *San Jose Mercury News* for permission to incorporate the Hennessy-Keohane, My View column as Appendix 2 and to the many unnamed others who so strongly supported this work. Finally, thanks to my wife Judy for all of her help – in so many ways – but especially for her patience and understanding during the eleven years of my retirement.



**Fr. Theodore Hesburgh and Frank Splitt**  
*Photo by Melanie Chapleau, University of Notre Dame*

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## **AUTHOR BIOGRAPHY**

Frank G. Splitt received a BSEE from the Fournier Institute of Technology in 1952 and an MS and Ph.D. in Electrical and Computer Engineering from Northwestern University in 1957 and 1963, respectively. He is the McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. As a Director of the International Engineering Consortium, he chaired the Consortium's Committee on the Future and currently chairs its Fellow Awards Committee. He was also a member of the inaugural Accreditation Board for Engineering and Technology (ABET) Industry Advisory Council, the Institute of Electrical and Electronic Engineers (IEEE) Educational Activities Board, and a member of the IEEE Corporate Recognitions Committee. His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs. He is a Fellow of the International Engineering Consortium, a Life Fellow of the Institute of Electrical and Electronic Engineers, and an Eminent Engineer of Tau Beta Pi. His interests involve research and planning for the future of Engineering Education and environmental conservation. He and his wife Judy reside in Mt. Prospect, Illinois and in Star Lake, Wisconsin.

## APPENDIX 1 – Systemic Engineering Education Reform: It’s About Time

### *An Overview of Remarks at the Opening Plenary of the 2003 National Science Foundation Engineering Education Coalition’s Share the Future IV Conference, adapted from the March 22 overview covering presentation viewgraphs*

A myriad of articles, papers, books, workshops and conferences have made a compelling case for systemic engineering education reform and a new paradigm for engineering education. The new paradigm goes beyond the need to keep students at the cutting edge of technology and calls for a better balance in the various areas of engineering school scholarship. Commitment to the realization of the new paradigm will yield renaissance-engineer graduates with the tools to face an unpredictable future with confidence in their abilities and yield untold benefits to the world in which they will live.

Although there has been progress, resistance to change continues unabated, in spite of the numerous calls for action, increasing competition from alternate service providers, as well as student-pipeline and job-security issues. A survey conducted by the Boyer Commission indicated that research universities have invested considerable effort in improving undergraduate education in recent years, but it also suggests that most efforts have been directed at the best students.

Achieving change via engineering education reform presents a formidable challenge, given academe’s bias toward preservation of the status quo, in which publications and research funding drive rewards and recognition. This is a complex age of rapid change in which different points of view and conflicting interests characterize the stakeholders who often resemble disconnected parties. Recent times have seen no clear path forward and an apparent absence of focused, action-oriented leadership. Also, the engineering education reform movement has been clouded by mixed, and sometimes disquieting, messages of equivocation that could be interpreted as saying that there need be no sense of urgency about engineering education reform. So systemic change continues to proceed at geologic speed.

Although most change unfolds gradually, this seems to be a time when conditions are right to create a breakthrough – to tip the scales. After providing a brief historical background on engineering education reform, this presentation, via a sequence of story-telling viewgraphs, summarizes related barriers to change, presents background on the diffusion of innovations, and summarizes the current status of various reform efforts aimed at accelerating the pace of change—in particular, diffusing the idea of systemic reform via a Campaign for Systemic Engineering Education Reform (SEER). The SEER Campaign is international in scope, but with primary focus on undergraduate programs in the United States – aiming to provide students with significantly better preparation for the 21st-century engineering workplace and to help attract and retain more of the "best and brightest" students on campus as well as involve some of the best minds among our faculty. All of this is expected through the realization of the new paradigm for engineering education. Some additional background on the SEER Campaign follows.

It is believed that pacesetting engineering schools, engineering department heads associations, societies, and organizations, as well as government and business leaders can play significant roles in bringing this reform about. The reform effort is all about educating the stakeholders and motivating them to play their respective roles. To this end, the International Engineering Consortium sponsored a publication titled: *Engineering Education Reform: A Trilogy*<sup>1</sup> as a service to academia, government, and industry. The *Trilogy* is now serving as the SEER Campaign white paper. Distribution of the *Trilogy* and discussion of its aims has been planned for the various stakeholders in the future of engineering education – including, but not limited to: academic administrators, faculty, students, parents, professional societies, as well as industry and government leaders. This distribution represents a crosscutting, bottom-up/top-down approach to promoting debate of the issues surrounding systemic engineering education reform. Thus far, contact has been made with over sixty institutions, organizations, and professional societies.

It is expected that readers of the *Trilogy* will be able to use the publication to raise awareness of the issues surrounding systemic engineering education reform as well as "what works" and "what could work." This awareness can lead to campus actions that will stimulate stakeholders in engineering education to support an overall effort to nurture change leading to this reform. An upcoming article for THE BENT of Tau Beta Pi encapsulates important aspects of the *Trilogy*. Titled, *Systemic Engineering Education Reform: A Grand Challenge*<sup>2</sup>, the article will provide an introduction to the SEER Campaign to some 90,000 members of the Tau Beta Pi engineering honor society. For the most part, this presentation is based on the material contained in the BENT article and the *Trilogy*.

The title of this presentation, "Systemic Engineering Education Reform: It's About Time" calls attention to the time dimension of reform efforts. The element of time enters into the SEER Campaign in several ways. First and foremost, it has been a long time since a downside to the post-Sputnik era was realized – when more money for research became available to academia than ever before and universities adapted and evolved into today's research institutions; and as Irene Peden stated in the Foreword to the *Trilogy*: "Faculty success is now judged by production of new knowledge, publication in the 'right' journals, and procurement of outside funding."

How long has it been since the realization of the downside? The answer is really unknowable, but it is known that for over the past 20 years or more, there have been varying degrees of effort directed toward systemic reform. My personal involvement spans 17 years – others like Irene, Eleanor Baum, Joe Bordogna, Ed Ernst, Eli Fromm, Jerry Haddad, and John Prados have been involved even longer. So, this reform movement is not a new thing, and however glacial, progress has been made over the years. But exactly where are we on the journey? An encouraging answer – we may be getting close to a big change. Here's why.

There are about 300 engineering schools and 1500 disciplinary programs – spanning Chemical, Civil, Electrical, Mechanical, and other disciplines. Ed Ernst conjectures that 80 percent of the schools and the programs remain “unreformed.” The bright side to this conjecture is that twenty percent of the schools/programs are reformed or are reformed to some extent. If only approximately true, we may finally be at, or getting close to, a critical point, Rogers' 20-percent “takeoff point” where the number of reformed schools/programs will begin to increase at a more rapid rate – growing beyond innovators and early adopters. The 20 percent threshold comes from the study of a large number of innovations by Everett M. Rogers who found that once an innovation is accepted by about 15 to 20 percent of the total involved population, it begins to takeoff and cannot be stopped.

The operating strategy for the SEER Campaign is to work to accelerate diffusion of the idea of systemic engineering education reform – to tip the diffusion process at this opportune time – by the widespread promulgation of the ideas related to systemic reform via massive networking. The aim is to move stakeholders to awareness-to-understanding-to-commitment-to-action. This should decrease the time to avalanche or, equivalently, to Malcolm Gladwell's “tipping point” – described in his recent popular book on the subject of how new ideas get introduced and achieve widespread acceptance.

Finally, the viewgraphs covered by this overview represent an “upgrade” as they have been annotated to record references, links, contacts and other information mentioned during the presentation at the plenary session on March 16, 2003. It is hoped that they will be of help to the reader in spreading the word to colleagues, students, industrial advisory boards, professional societies, and others as time and circumstances permit.

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## **APPENDIX 2 – Universities must require athletes to make the grade – in class [29]**

MY VIEW, *San Jose Mercury News*: By John L. Hennessy and Nannerl O. Keohane

The year-end bowl game extravaganza has now given way to the long and winding road to March Madness. As presidents of universities with well-known teams, we are aware of the many ways intercollegiate sports enrich student life and campus spirit. Yet as we move from one athletic season to another, we are not alone among university presidents who feel increasing tension between our educational mission and the powerhouse of intercollegiate sports. We worry that the demands of major collegiate athletics loom so large for some students that they have a disproportionate, unhealthy impact on their lives.

The costs of athletics programs are also increasing significantly. Far from earning money, most intercollegiate programs are now subsidized heavily by their colleges and universities. The NCAA recently reported that the shortfall across 970 NCAA schools exceeds \$1 billion annually.

Although the graduation rate for the latest group of student athletes in NCAA Division 1A schools is close to that for all students, 58 percent vs. 60 percent, the rates in football and basketball are embarrassing. According to a recent NCAA report, male basketball players graduate at lower rates than male students overall at two-thirds of Division 1 institutions. Of the 50 football teams that played in bowl games last season, 36 institutions graduated players at rates lower than those for their male students who were not athletes.

Some championship-caliber teams had zero graduation rates in multiple years, even though virtually all Division 1A programs now have elaborate academic support programs for student athletes. In their thoughtful book "The Game of Life," William Bowen and James Shulman document that two-thirds of male athletes in all sports have grade-point averages that place them in the bottom third of their class. In general, female athletes also have poorer academic records than their non-athlete counterparts.

What is causing these problems? For one thing, time demands on student athletes have increased dramatically. There is little or no off-season. Spring sports require practice and competitive play for much of the fall, and vice versa. In addition to their formal practice sessions, student athletes are expected to spend up to eight hours a week in conditioning and skill instruction.

The NCAA limits "required athletically related activities" to 20 hours a week, but many student athletes say this figure does not come close to their real life experiences.

We have reached a critical juncture. Those of us charged with leading our nation's major universities have a responsibility to restore the primacy of academics in the lives of student athletes. It is time to take some significant steps, and we suggest several measures that we believe will make a real difference.

First, we must toughen eligibility requirements for entering students. A college-bound athlete is now required to complete only 13 academic core courses in high school and can be eligible for NCAA participation with as little as two years each of math and science. This sets a standard for academic productivity that, if followed in college, makes graduation almost impossible. The current initiative to increase the number of core courses to 14 is a step in the right direction, but college athletes should have passed at least 16 high school courses in core subjects such as math, science, the social sciences and the humanities.

Second, we applaud recent NCAA legislation that toughens eligibility requirements for athletic participation. NCAA requirements for "satisfactory progress" have been stiffened, as have those governing grade-point averages and progress toward completing a major. But more needs to be done. We must develop sanctions with real teeth for programs that fail to achieve reasonable graduation rates. These sanctions should include disqualification from post-season bowl games or tournaments, and a significant reduction in scholarships available to teams that do not meet academic standards.

Third, to deal with spiraling practice requirements, we recommend establishing effective legislation to control the "voluntary" practices, workouts and off-season contests that now take up so much time. Although some student athletes may choose to devote additional time to their sports, the current pattern of activities significantly limits their ability to participate fully in the academic programs of the university. This trend must be reversed.

There will be powerful resistance to such initiatives on the grounds that they would make it harder for some students to hone their skills and pursue a lucrative professional career. Given the enormous broadcasting revenues at stake, moreover, the NCAA faces a conflict between its sometimes-contradictory roles as promoter and governor of intercollegiate athletics.

That resistance will make it difficult to bring about real change. That is why the university presidents who sit on the NCAA governing committees together with Myles Brand, the new NCAA president, must exhibit the resolve and leadership necessary to address these issues and champion reform. So should faculty members, governing boards, athletics administrators, coaches and alumni, as well as national groups such as the American Council on Education.

Most important, we call on our fellow university presidents to step forward. Without our united and aggressive leadership, we will not achieve the significant reforms in intercollegiate athletics that so many of us know are overdue.

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<http://www.aas.duke.edu/development/Miscellaneous/mercurynews.htm>

## APPENDIX 3 – A Framework for Comprehensive Athletics Reform Coalition On Intercollegiate Athletics (COIA), August 2003

### EXECUTIVE SUMMARY

Reform of intercollegiate athletics is an urgent priority. Successful reform will require a broad consensus and a comprehensive approach. Some issues may be resolved quickly, others may require much more time, but national agreement on a comprehensive plan in the near future is essential to accomplish meaningful reform; the piecemeal approach has not succeeded. The COIA Framework, aimed at Division I-A, outlines essential features such a plan should include, and calls for the NCAA and national academic constituencies to develop detailed, appropriately flexible strategies for implementation. The goal of reform is not negative; it is to bring out the positive aspects of intercollegiate athletics, which contribute to the personal development of athletes and enhance college life on campus and off.

**Academic Integrity.** Colleges should admit only students with realistic prospects of graduation. Admissions practices should confirm that high schools must prepare athletes to meet such standards. Continuing eligibility standards should ensure that only academically engaged students compete in athletics. Faculty must take responsibility to ensure academic integrity in all programs. Athletics advisors must be closely integrated with academic advising to ensure prioritization of academic goals and integrity.

**Athlete Welfare.** The design and enforcement of limits on athlete participation in non-academic activities must be improved; assessment of coaches must reflect commitment to athletes' academic opportunities. Optimal season schedules for each sport should be designed and adopted, limiting competition in each sport to a single term. The terms and bases of scholarships should be reexamined so as to support student academics, and athletes should be fully integrated into campus life.

**Governance.** Shared oversight of athletics between governing boards, administrations, and faculty should involve clear communication and complementary responsibilities. Best-practice designs for the interaction of faculty athletics representatives, campus athletics committees, and faculty governance should be designed nationally, and adapted locally. Uniform reporting standards for athletics budgets should be established, to provide more financial transparency. Stable athletics conferences should support the linkage of athletics and academics, and become the basis for intercollegiate relationships beyond athletics competitions and finances.

**Finances.** The link between winning and financial solvency undermines the values of college sports and contributes to the athletics arms race. Broadened revenue sharing, and limits on budgets and capital expenditures should be implemented. Amateur goals appropriate to each sport should determine standards of expectations. Cost cutting in the areas of scholarships, squad size, season length, and recruitment should be explored.

**Over-commercialization.** Excesses in marketing college sports impair institutional control and contribute to public misperception of the nature and purpose of higher education. Schools must step back from over-commercialization by cutting costs and setting clear standards of institutional control and public presentation of college sports.

NOTE: The full text of the framework document is available at url:  
<http://www.indiana.edu/~bfc/COIA/Framework-Text.html>.

*“Through the ages, every generation of humankind thinks of its own era as the time when things are really “done right.” A good part of this perception is an insistence on our own significance and the work of our time. Sometimes, lost on the way is the significance and merit of the work of those that have gone before us. We simply do not take the time to understand and appreciate the real value of the work done by our predecessors, and, more importantly, the process by which we truly come to wisdom.”*  
— Frank Splitt, *BIRGE & JUDAY DATA: Application and Reliability Perspectives*, February 2001

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***“What must underlie successful epidemics, in the end, is a bedrock belief that change is possible, that people can radically transform their behavior or beliefs in the face of the right kind of impetus.”***

***– Malcolm Gladwell, *The Tipping Point****



*McCormick School of Engineering and Applied Science, Northwestern University,  
Evanston, Illinois, 60208- 3100;*

*E-mail: [fgsplitt@ece.northwestern.edu](mailto:fgsplitt@ece.northwestern.edu);*

*URL: [www.ece.northwestern.edu/EXTERNAL/Splitt/](http://www.ece.northwestern.edu/EXTERNAL/Splitt/)*

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# **THE FRAYING WEB OF LIFE AND OUR FUTURE ENGINEERS**

*Frank G. Splitt  
McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science*



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*“The convergence of technological and liberal-arts education is a deep, long-term, and irreversible trend. Students need to be prepared for life in a world where technological, scientific, humanistic, and social issues are all mixed together. Such mixing will not take place if students have to decide from the outset that they are attending an “engineering school” as opposed to a “nonengineering school.” No matter how excellent the engineering school, and no matter how racially and ethnically diverse, if it attracts mainly faculty members and students who gravitate toward the technical problem-solving approach, then those students have an education that does not prepare them well for life experience. Students need to be educated in an environment where they get used to justifying and explaining their approach to solving problems and also to dealing with people who have other ways of defining and solving problems. Only a hybrid educational environment will prepare engineering students for handling technoscientific life in a hybrid world.”*

**—Rosalind Williams**

Reference: “Education for the Profession Formerly Known as Engineering,” *The Chronicle of Higher Education*, January 24, 2003; the article was adapted from *Retooling: A Historian Confronts Technological Change*, MIT Press, 2002.

# THE FRAYING WEB OF LIFE AND OUR FUTURE ENGINEERS

## INTRODUCTION

This brief is based on the author's keynote address at the 2004 SPIE Symposium. That address had its roots in an earlier address delivered at the Green Engineering Conference in July 2001[1]. Later in 2001, work began on a proposal to close the environmental literacy gap that exists in most of our nation's engineering programs. This proposal effort provided valuable insights and eventually led to a renewed campaign for systemic engineering education reform. But why is systemic engineering education reform needed and why is it needed now? Let me begin with brief answers to the following three centering questions that seem critical to an understanding of the need:

1. Why is the large change such as that implied by "systemic engineering education reform" needed?
2. Why can't incremental change make the required changes on an appropriate time scale?
3. Why do we need to recognize leadership and systemic change in engineering education now?

First, engineering graduates need to be much better prepared for the 21<sup>st</sup>-century engineering workplace. To its credit, traditional engineering education does a great job with the technical aspects of engineering. However, other areas such as communication competence, ethics and professionalism, sustainable development and other non-technical areas seem to receive little or no attention in engineering curricula. Therefore, many engineering graduates do not have the breadth of jobs available to them they could have. Qualified engineering students at the freshman and sophomore level fail to see engineering as a profession that helps people, or, they find the learning environment unsatisfactory and transfer to another field of study.

Second, the changes needed are broad in scope – beyond just changing a few courses. Many of these changes must be made at the same time. Engineering programs need to attract and retain more of the "best and brightest" students on the campus. To make these changes, faculties need to change their view of what the curriculum should be like. Also, consideration needs to be given to the possibility of extending engineering education beyond the current 4-year Bachelor's degree.

Third, those taking leadership roles in engineering education reform will need to devote a significant portion of their time for an extended periods to implement the required engineering education reforms. We also need to involve some of the best minds among our faculties. Without recognition and reward for their efforts, these individuals likely will choose other places to use their creative abilities.

## SOME HISTORICAL PERSPECTIVES

Numerous articles, papers, books, workshops and conference proceedings have made a compelling case for systemic engineering education reform. Among these are the recent calls for change by the National Academy of Engineering leadership [2]. Although there has been some progress, resistance to change continues unabated, in spite of the numerous earlier calls for action, increasing competition from alternate service providers, as well as student-pipeline and job-security issues.

The introduction of new, outcomes-based accreditation criteria, Engineering Criteria 2000 (EC 2000) by ABET, the Accreditation Board for Engineering and Technology, and the funding of a number of programs related to systemic engineering education reform by the National Science Foundation in the early 1990s, have been seminal events on the path to a new paradigm for engineering education. Further impetus was provided at the 1998 Engineering Foundation Conference on *Realizing the New Paradigm for Engineering Education* [3]. Nonetheless, systemic change proceeds at geologic speed despite all of these ardent efforts.

## AN ENVIRONMENTAL LITERACY GAP

It was evident to ABET's first Industry Advisory Council that sustainable development was becoming a dominant economic, environmental, and social issue of the 21<sup>st</sup> century, and that a fundamental change in engineering education was required to help the next generation of engineers learn to design for sustainable development and long-range competitiveness. In the early 1990s we called upon ABET to bring about a major paradigm shift in engineering education. We recommended a set of Accreditation Process Principles, Concepts and Supporting Strategies that later helped form the basis for the Programs Outcomes and Assessment component of ABET Engineering Criteria 2000 (ABET EC 2000).

The Accreditation Process Principles called for the "understanding of and work toward sustainable development, safety and environmental impact." In the process of balancing specific guidance against flexibility of choice by engineering programs, the wording of the Accreditation Process Principles was subsequently generalized so the present criteria do not reflect the emphasis that we placed on environmental considerations. So, today much of environmental engineering education is to be found mostly in civil, environmental, and chemical engineering programs. So what's the problem?

First, environmental design constraints and opportunities should permeate all engineering disciplines, as environmental factors need to be considered at the beginning of every engineering problem; and

Second, as good as ABET EC 2000 is, its present criteria are open to an interpretation that can permit an environmental literacy gap to exist in our engineering programs and disciplines. The effort to close the environmental-literacy gap was initiated in the fall of 2001. The National Council for Science and the Environment (NCSE), Northwestern University, Virginia Tech, and the Accreditation Policy Council of the IEEE Educational Activities Board endorsed a related proposal while personal endorsements and commentaries came from academe and industry [4]. A comment by Northwestern Professor Manijeh Razeghi is representative:

“Environmental awareness is a necessary part of all education, not just for engineers. Within the engineering sphere, however, we must do our best to help students understand the cause and effect of their decisions relative to the environment. Changing the ABET Engineering criteria to include "environmental responsibilities" should be enacted immediately. Environmental responsibility should become a core part of all engineering classes. New classes are not needed, but current professors need to be educated on how to integrate environmental impact into their classes. Design projects can be geared to this – getting students to think creatively about these issues outside of class. I endorse this initiative as a positive step toward environmental literacy.”

Here is some good news: the ABET Engineering Criteria have been marked up with revisions, proposed by the IEEE, that were accepted by the ABET Board of Directors at their meeting this past November. We can all hope that the revised Engineering Criteria will be approved on second reading at the Board's fall meeting in 2004 and be applicable for visits commencing in fall 2005. Engineering programs must then demonstrate that their students attain an ability to design a system, component, or process to meet desired needs within realistic constraints such as economic, environmental, social, political, ethical, health and safety, manufacturability, and sustainability, as well as demonstrate the broad education necessary to understand the impact of engineering solutions in a global, economic, environmental, and societal context.

#### **THE IMPORTANCE OF SUSTAINABLE DEVELOPMENT**

But why all this emphasis on environmental considerations and sustainable development? Here's why. Evidence abounds that we are reaching the carrying capacity of the earth – engaging in deficit spending if you will [5]. The amount of crops, animals, and other biomatter we extract from the earth each year exceeds what the earth can replace by an estimated 20%. Additionally, signs of climate change are precursors of things to come. What's more, global industrialization and the new technologies of the 20th century have helped to stretch the capacities of our finite natural system to precarious levels. Taken together, this evidence reflects a fraying web of life.

Numerous organizations and efforts have cited the importance of sustainable development. For example, the National Science Board began its report [6], *Environmental Science and Engineering for the 21<sup>st</sup> Century*, with the statement, “Within the broad portfolio of science and engineering for the new century, the environment is emerging as a vigorous, essential, and central focus. ... The environment is no longer simply a background against which research is conducted, but rather the prime target for increased understanding”

Over the years, the National Academy of Engineering has conducted a series of industrial ecology workshops and related studies with numerous publications – all with the aim of illuminating the relationship between technology, economic growth, and the environment.

Amory B. Lovins, the CEO of Research at the Rocky Mountain Institute, is a master of innovation in energy efficiency. He and his co-authors expand on the subject in their book [7], *Natural Capitalism: Creating the Next Industrial Revolution*, – claiming that most businesses still operate according to a worldview that has not changed since the start of the Industrial Revolution when natural resources were abundant and labor was the limiting factor of production. They go on to explain how the world is on the verge of a new industrial revolution wherein business and environmental interests will increasingly overlap, and in which companies can improve their bottom lines while helping to solve environmental problems and foster the innovation that drives future improvement.

These, and other efforts, provide a wake-up call for our engineering programs to guide students to a basic understanding of environmental impact on design. They also provide examples and many openings for dialogue and debate on both the extent and the manner in which the concepts of sustainable development and sustainable business practice can be integrated into the curriculum of our engineering programs. Clearly, engineering and its technological derivatives can help remedy environmentally related problems. However, although sustainable development and natural capitalism can work to reverse ominous trends, we are often still wedded to the notion that environmental conservation and economic development are the 'players' in a zero-sum game. So the well being of future generations will depend to a large extent on how we educate our future engineers ... engineers who can transcend this false notion. These engineers will be a new breed – developing and using sustainable technology, benign manufacturing processes and an expanded array of environmental assessment tools that will simultaneously support and maintain healthy economies and a healthy environment.

## THE IMPEDIMENTS TO CHANGE

Experience teaches that achieving change via engineering education reform presents a formidable challenge. This should come as no surprise given academe's bias toward preservation of the status quo. It is part of the overarching challenge of change, faced by universities and colleges throughout our nation, as described by Jim Duderstadt in his comprehensive analysis of the issues and the need for new paradigms [8].

The integration of new concepts and material can best be described as disruptive educational "product" innovation. Engineering education innovators are thus faced with the innovator's dilemma – aptly described by Clayton Christensen [9]. So what's the dilemma? Simply stated, it is the fact that educational products in this vital area do not represent the coin of today's academic realm. Put another way, they do not fit the present-day rewards and recognition systems that are driven by publications and research funding. According to John Ehrenfeld [10], universities must overcome strong disciplinary barriers, jealousies, and their own political dynamics, as well as enter into a broad discourse among all the players. He also sees the need to reconstruct the disciplines in a way that mimics the seamless web of the very world we are attempting to understand. And that's not all.

Many of our research-intensive universities are faced with financial pressures while the wherewithal to make the change rests mostly with those who oppose the change in the first place. There has been strong resistance to embedding additional requirements in the ABET criteria. Tenure-protected faculty, along with like-minded deans, associate deans, and department heads, could rise as a major obstruction to change – serving as endangered species of academic foxes guarding the engineering-school henhouse. Perhaps, the greatest impediments to change are inertia and time ... time to work on the important, as opposed to the day-to-day, time-consuming, urgent.

## SIGNS OF PROGRESS

Experience teaches that change must sometimes come from outside. For example, Karl Martersteck, pointed out that: "environmental concerns are not likely to find a place in most engineering curricula without a forcing function such as the ABET EC 2000 criteria. These criteria provide a mechanism that can be used to drive as well as enable change. The adoption of the marked-up criteria likely to do just that. There are other signs of progress as well. These signs encompass the work at pacesetting schools of engineering, the initiation of the Campaign for Systemic Engineering Education Reform (a.k.a. the SEER Campaign), the work on program evolution, and other related efforts. Here is a brief summary of "what's going on."

**Pacesetting Programs** – It has been suggested that 4-year, undergraduate engineering education is a dinosaur and that Draconian action is required – starting with a clean slate by eliminating all specialized engineering majors, particularly at the undergraduate level – so as to stimulate debate and thought to shake up and transform engineering education. Although this may very well be true in theory, I believe that a "flash-cut" approach is undoable. Change will most likely occur incrementally. A number of engineering schools have made significant changes and have developed innovative approaches in their undergraduate programs [11]. If undergraduate engineering education is indeed a dinosaur, then Northwestern's *Engineering First*, Drexel's E4 Program along with the updated engineering education programs at Harvey Mudd, WPI, Notre Dame, UC-Boulder, and Rose-Hulman are a few examples of excellent transitioning programs – points of light – that can illuminate paths to the future. These pacesetting programs have not only proved to be doable, but they can be made even better. Taken together, the proven methodologies and knowledge gained should make it possible for most engineering schools to devise revitalization programs that fit the context of their institution, its student body, faculty, and objectives.

**The SEER Campaign** – In a nutshell, engineering education reform is all about educating the stakeholders and motivating them to play their respective roles. To this end, the International Engineering Consortium published a trilogy on engineering education reform as a service to academia, government, and industry. Its widespread distribution has been facilitated via publication by the ASEE and the IEEE [12-14], as well as by Website access and distribution at various conferences and workshops. The *Trilogy* is now serving as white paper for the SEER Campaign. An article in *THE BENT* of Tau Beta Pi [15], encapsulated important aspects of the *Trilogy* – providing an introduction to the SEER Campaign to some 90,000 members of the Tau Beta Pi engineering honor society. A plenary address at an NSF Engineering Education Coalition's Conference [16] focused on the multiple time-related dimensions of reform efforts while a brief [17], covering work on reform in intercollegiate athletics and engineering education, was released for publication this past December.

Discussion of SEER Campaign aims has been planned for the various stakeholders in the future of engineering education – including: academic administrators, faculty, students, parents, professional societies, as well as industry and government leaders. This distribution represents a crosscutting, bottom-up/top-down approach to promoting debate of the issues surrounding systemic engineering education reform. Thus far, contact has been made with over sixty institutions, organizations, and professional societies.

**Program Evolution** – Work by faculty is progressing in various disciplines to resolve the problem of how best to address the challenges of preparing students for leadership and success. They are seeking to determine what to include in an already full curriculum as well in time-expanded engineering programs. For example, this April, Linda Vanasupa, the chair of the Academic Affairs Committee of the Materials Science and Engineering Society will present a conference paper that addresses the challenge of adjusting materials science and engineering curricula to integrate environmental concepts [18]. Also, for about the past twenty years, it has been contended that the proper education of professionals requires a pre-professional baccalaureate program. This pre-professional program would be followed by a practice-oriented Master of Engineering degree program, possibly as only a first step in an evolution over time to the Doctor of Engineering as the only accredited engineering degree. Work is heating up in this area as well [19-22].

**Some Related Efforts** – Here are three examples: First, there is the Engineers Forum on Sustainability, sponsored by the ASEE, ASCE, and AIChE. The Forum meets on a regular basis. They just met last week at the National Academy of Engineering with an agenda that included presentations by the director of the Office of Sustainability at the University of Florida and by the Executive Director of the Mascaro Sustainability Initiative at the School of Engineering of the University of Pittsburgh.

Second, there is the EPA's P3 Award Program that is focused on People, Prosperity and the Planet. It's a new national competition that will provide grants of up to \$10,000 for as many as 50 teams of students and research, design, and development sustainability-based projects [23]. It's aim is to aid in the training of the next generation of scientists and engineers who will need to meet the challenge of developing new products and processes while at the same time protecting the environment and conserving natural resources; see the EPA Website at [www.epa.gov](http://www.epa.gov) for details.

And third, there is a growing focus on the twelve principles of green engineering espoused by Paul Anastas and Julie Zimmerman [24, 25]. The principles, listed on page 7, provide a framework for designing new materials, products, processes and systems that are benign to human health and the environment – moving beyond baseline engineering specifications for quality and safety to consider environmental, economic, and social factors as well.

#### **OUTLOOK FOR THE FUTURE**

I see many paths leading to the future of engineering education depending upon the starting point...e.g., large research universities vs. small and medium sized non-Ph. D granting colleges/universities and early adopters vs. the laggards in adopting the new paradigm for engineering education.

Transitioning will not be easy since many of our research-intensive universities are faced with financial pressures while the wherewithal to make the change rests mostly with those who oppose the change in the first place. This situation, coupled with the fact that there is no "one-size-fits-all" transition paradigm, represents the challenge to change. Nonetheless, pacesetter engineering schools, engineering department heads associations, societies and organizations, as well as individual faculty members, government and business leaders can play significant roles in bringing about reform.

It is expected that commonplace practice of sustainable development and business practice will evolve over time, either by choice or by catastrophe. The key to evolution by choice is expected to be the growing awareness by the financial and investment communities of the intrinsic value of achieving maximum long-term economic gain and minimum overall environmental impact as "blueprinted" in Lovin's *Natural Capitalism*. Businesses will then exert an ever-increasing demand for engineering graduates conversant with environmental issues and economics, and, most importantly, engineers skilled in systems thinking and in related design and manufacturing practices. In turn, this change will give birth to a new paradigm in engineering education – environmentally smart, life-cycle design for competitive advantage.

The work done by the Technical and Educational Activities Committees of the various Engineering Societies has been encouraging. The civil engineering profession is taking a leadership role. In 2001, the American Society of Civil Engineers (ASCE) approved a policy stating that "ASCE supports the concept of the Master's degree or equivalent as a prerequisite for licensure and the practice of civil engineering at a professional level." The Association of Environmental Engineering and Science Professors has been active as well. All have the opportunity and the wherewithal to develop traction to help propel the engineering community along the arduous path to commonplace industrial and academic practice of sustainable and environmentally conscious engineering as well as to professional-level degrees.

#### **CONCLUDING REMARKS**

As we continue to move into the 21<sup>st</sup> century, helping academia understand the escalating changes in industry, and the relationship of the changes to the concepts of sustainable development and sustainable business practice, will present a major challenge. Significant advances in industry's supporting technologies and services, together with their business and



environmental implications make academe's learning needs substantial. What appears to be common sense has yet to become common practice. Not until we see most of our programs placing a high value on sustainable development and other concepts, as evidenced by incorporation in the program's mainstream value network, will we know that we have progressed beyond the early adopter phase of concept diffusion. We will then witness most of our engineering programs operating to bring balanced perspectives to engineering via the environmentally smart, life-cycle design for competitive advantage. ABET can play a vital role in this area. However, it will not be easy, and, to be sure, there are no guarantees – only time will tell the outcome. Today, it is a paradigm in progress.

Let me now begin the ending of this talk with a quote from the Club of Rome's Aurelio Peccei and Alexander King. It is a quote that I used when writing the opening to *Creating Our Common Future* [26] some twelve years ago – “If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information that he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged, staggering from one crisis to another.”

In this light, reflection on the events of the past twelve years, still leads me to believe that the clear and present danger faced by the world in general – and, the United States in particular – has to do with two polarities: the ecological polarity between human activities and the life-sustaining capacity of the Earth and the polarity between the haves and have-nots.

I believe that sustainable development will remain a dominant economic, environmental and social issue of the 21<sup>st</sup> Century, and that it will evolve either by choice or by catastrophe. I continue to believe that engineers, as problem formulators and solvers, should be at the center of the choice-related debates – working to mend the fraying web of life. This will require a fundamental redirection in Engineering Education – aimed at producing engineers who possess a sensitivity to the social, cultural, economic, and the industrial environment in which they work, as well as the competency to accept responsibility for effective societal leadership.

Finally, the formidable challenge to change in our engineering education system demands no less than a formidable and coordinated response as well as able and respected leadership. The National Academy of Engineering has the wherewithal and is well positioned to provide this response, as well as to provide requisite leadership by example.

It would be a credit to the Academy, and a boon to engineering education reform, if it would work to help enable the widespread implementation of the changes needed in our engineering education system – helping to motivate and mobilize the stakeholders in engineering education to address the challenge to change. The stakeholders – academic administrators and faculty members, ABET, government policy makers and agency program managers, and professional society as well as industry leaders – should see this as clarion call to action on their parts as well. Our nation's future engineers deserve no less than an affirmative as well as enthusiastic response.

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#### AUTHOR BIOGRAPHY

Frank G. Splitt received a BSEE from the Fournier Institute of Technology in 1952 and an MS and Ph.D. in Electrical and Computer Engineering from Northwestern University in 1957 and 1963, respectively. He is the McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. As a Director of the International Engineering Consortium, he chaired the Consortium's Committee on the Future and currently chairs its Fellow Awards Committee. He was also a member of the inaugural Accreditation Board for Engineering and Technology (ABET) Industry Advisory Council, the Institute of Electrical and Electronic Engineers (IEEE) Educational Activities Board, and a member of the IEEE Corporate Recognitions Committee. His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs. He is a Fellow of the International Engineering Consortium, a Life Fellow of the Institute of Electrical and Electronic Engineers, and an Eminent Engineer of Tau Beta Pi. His interests involve research and planning for the future of Engineering Education and environmental conservation. He and his wife Judy reside in Mt. Prospect, Illinois and in Star Lake, Wisconsin.

*McCormick School of Engineering and Applied Science, Northwestern University  
Evanston, Illinois, 60208- 3100; E-mail: [fgsplitt@ece.northwestern.edu](mailto:fgsplitt@ece.northwestern.edu)*

## **Anastas' and Zimmerman's Twelve Principles of Green Engineering**

*Design guidelines for environmentally benign processes [24]*

- 1. Designers need to strive to ensure that all material and energy inputs and outputs are as inherently non-hazardous as possible.**
- 2. It is better to prevent waste than to treat or clean up waste after it is formed.**
- 3. Separation and purification operations should be designed to minimize energy consumption and materials use.**
- 4. Products, processes, and systems should be designed to maximize mass, energy, space, and time efficiency.**
- 5. Products, processes, and systems should be "output pulled" rather than "input pushed" through the use of energy and materials.**
- 6. Embedded entropy and complexity must be viewed as an investment when making design choices on recycle, reuse, or beneficial disposition.**
- 7. Targeted durability, not immortality, should be a design goal.**
- 8. Design for unnecessary capacity or capability (e.g., "one size fits all") solutions should be considered a design flaw.**
- 9. Material diversity in multi-component products should be minimized to promote disassembly and value retention.**
- 10. Design of products, processes and systems must include integration and interconnectivity with available energy and materials flows.**
- 11. Products, processes, and systems should be designed for performance in a commercial "afterlife."**
- 12. Material and energy inputs should be renewable rather than depleting.**

## **DAILY HERALD**

**Fence Post**

April 15, 2004

### **College sports mess cries out for reform**

Kudos to Chuck Goudie for his March 8 column, "Rap sheets are the new stat sheets or today's college athletes," that focused on the miscreants on college rosters and related crimes, misdemeanors and other shenanigans found on campuses. The column's timing could not have been better, coming on the heels of the recruiting scandal at the University of Colorado and a litany of high-profile wrongdoing at our universities this past year.

Numerous reported academic irregularities should surprise no one familiar with investigations of college athletics programs. Walter Byers, executive director of the NCAA from 1951 to 1987, dedicated a chapter to the subject in his book, "Unsportsmanlike Conduct." Byers tells how, coaches, athletic directors, presidents and conference commissioners who attempt to enforce the rules are treated as if they are out-of-touch. Tough enforcement matters are left to a woefully understaffed NCAA infractions committee that operates with threats of expensive lawsuits by litigious-minded universities.

Universities that play the game exploit their so-called student-athletes - using them to win titles and generate revenue, while boosters and fans have little concern about whether the athletes are genuine students. Those who are in on the game know the substantial benefits of not investigating and enforcing the rules. Alcohol, sex, gifts, money and academic shenanigans are simply the generally accepted table stakes required to play in the big-time with a chance to win and reap huge financial rewards.

Without a doubt, the NCAA's PR department is now working 24/7 on damage control. The NCAA likely will try to get in front of growing negative public opinion via a best-defense-is-a-good-offense tactic - exploiting the academic background of its president, Myles Brand, shamelessly positioning the past president of Indiana University as the leader of reform in intercollegiate athletics. That is the way the game is played when millions of tax-free dollars are at stake and when they pay Brand more than \$750, 000 a year to protect the NCAA's vital economic interests. Hopefully, investigative reporters will work to expose this NCAA tactic as the pinnacle of hypocrisy.

Hopefully, illumination of the situation by Goudie and others will stimulate faculties to help with reforming intercollegiate athletics by reclaiming academic primacy in higher education. These faculties may be our only hope for serious reform.

Frank G. Splitt  
Mount Prospect

McCormick Faculty Fellow  
McCormick School of Engineering  
and Applied Science  
Northwestern University  
Evanston

***The opinions, assumptions, and conclusions presented in this letter are solely those of the author and not Northwestern University.***

# **THE FACULTY-DRIVEN MOVEMENT TO REFORM BIG-TIME COLLEGE SPORTS**

## **Sequel to the Brief: Reclaiming Academic Primacy In Higher Education**

### **Frank G. Splitt**

McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University

### **Foreword by James J. Duderstadt**

President Emeritus and University  
Professor of Science and Engineering  
University of Michigan

### **Afterword by Jon Ericson**

Former Provost and  
Ellis & Nelle Levitt Professor Emeritus  
Drake University

**July 13, 2004**



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*The Drake Group has endorsed this publication and is serving as a sponsor. Their mission is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. The Drake Group Website is at <http://www.thedrakegroup.org>.*

# FOREWORD

Frank Splitt's sequel to his earlier paper, "Reclaiming Academic Primacy in Higher Education," draws on recent events such as the University of Colorado recruiting scandal and the University of Georgia exam scam to examine more closely why reform is so difficult in intercollegiate athletics. 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.

A century of efforts to reform college sports have been largely ineffective. It is time to acknowledge that working through athletic organizations such as the NCAA, the conferences, or the athletic departments is futile. These are led or influenced by those who have the most to gain from the further commercialization of college sports. It is my belief that you will never achieve true reform or control through these organizations, since the foxes are in firm control of the hen house. Instead, reform efforts might more effectively proceed through *academic* organizations, characterized by the academic interests of higher education rather than the commercial values of the entertainment industry.

Ironically rather than attempt to reform college sports, reigning in its excesses, both higher education and government alike continue to treat intercollegiate athletics as a special case, shielding coaches from the personnel and conflict of interest policies governing other university staff, ignoring the all-too-frequent misbehavior of college athletes, and providing generous (and questionable) tax policies that fuel further commercialization.

Yet, all hope is not lost. There is one important ally remaining that could challenge the mad rush of college sports toward the cliff of commercialism: the university faculty. After all, in the end, it is the governing faculty that is responsible for the academic integrity of a university. Faculty members have been given the ultimate protection, tenure, to enable them to confront the forces of darkness that would savage academic values. The serious nature of the threats posed to the university and its educational values by the commercialization and corruption of big-time college sports has been firmly established in recent years. It is now time to challenge the faculties of our universities, through their elected bodies such as faculty senates, to step up to their responsibility to defend the academic integrity of their institutions, by demanding substantive reform of intercollegiate athletics.

Athletics programs should not be allowed to interfere with or undermine academic policies and principles. For example, the admission of college athletes, their academic standing, and their eligibility for athletic competition must be controlled by the faculty *and be open to public view*. Universities must insist that competitive schedules are compatible with the academic calendar, even if this has significant revenue implications. There should be a ban on special academic support activities for "student athletes" that further isolate them from the rest of the student body and the university, such as special counseling services or academic support (eligibility) centers under the control of the athletics department.

As Splitt concludes, reform will only occur when concerned faculty demand that college sports be mainstreamed into the university and realigned with academic values, and when citizens demand that 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.

This sequel joins Splitt's first paper as a must-read for those concerned about the future of higher education in America.

**James J. Duderstadt**  
President Emeritus  
University of Michigan  
Ann Arbor, Michigan



# The Faculty-Driven Movement to Reform Big-Time College Sports

## *Sequel to the Brief: Reclaiming Academic Primacy in Higher Education*

### ABSTRACT

Despite many wakeup calls and warnings about college sports over the years, the beat goes on. Things seemed to have gotten as bad as they were going to get in intercollegiate athletics when the manuscript for the brief, “Reclaiming Academic Primacy in Higher Education,” was released to the publisher at year-end 2003. Not so! Today we find the situation with college sports much worse than many could ever have imagined. This raises the question: How can this be? To find the answer, this Sequel looks at the usual suspect – money. Big money, together with greed, avid sports fans, an apathetic public, as well as government policies, make for a lucrative and growing tax-free business enterprise. Key enablers for the continuing growth of the big-time, college-sports business are a relatively ineffectual NCAA, and facilitating government policies – involving privacy law and the subsidy of athletic departments and related projects via favorable tax treatment. These enablers are discussed after reviewing some recent flaps and scandals. Actions related to the faculty-driven movement to reform big-time college sports are also discussed. Special focus is placed on the Drake Group’s initiative to help restore academic integrity by working to change the Family Educational Rights and Privacy Act that currently shields academic corruption in college athletics from public view.

### I. INTRODUCTION AND BACKGROUND

October 24, 2004 will mark the 75th Anniversary of the *Chicago Tribune* headline story on the Carnegie Report’s indictment of college sports [1]. This archetypal report on the need for reform focused on the negative influence of big-time college sports on higher education stating that: “(Big-time college football) is not a student’s game as it once was. It is a highly organized commercial enterprise. The athletes who take part in it have come up through years of training; they are commanded by professional coaches; little if any initiative of ordinary play is left to the player. The great matches are highly profitable enterprises. Sometimes the profits go to finance college sports, sometimes to pay the cost of the sports amphitheater, in some cases the college authorities take a slice for college buildings” [2].

Despite the 1929 wakeup call and like warnings over the years, the beat goes on. I thought things had got as bad as they were going to get in intercollegiate athletics when the manuscript for the brief, “Reclaiming Academic Primacy in Higher Education” [3], was released to the publisher, especially so when an Afterword with “late-breaking-news” was added just prior to the release. I really should have known better. This sequel provides an update and reflections as well as a focused perspective on post-publication events and corrective actions aimed at reforming big-time college sports.

My current thinking concerning the management of intercollegiate athletics by the National Collegiate Athletic Association (NCAA), university presidents, athletic directors and coaches, as well as conference commissioners, has been strongly influenced by additional research – including a careful reading the works of Walter Byers [4], Allen Sack & Ellen Staurowsky [5], Murray Sperber [6], Rick Telander [7], John Watterson [8], and Andrew Zimbalist [9]. It has become all the more apparent that, through the persistent efforts of coaches and athletic directors, big-time college sports have been structured to emulate their professional counterparts – creating a demand for top quality, quasi-professional athletes. In many cases this demand has been satisfied, without regard to either short or long-term institutional and societal costs. Also, the litany of reported wrongdoing grew longer by the day. Thus, in the ensuing months, I have come to concur all the more with Jim Duderstadt’s belief that the blame for the corruption of big-time college sports lies at the heart of the universities themselves, with their presidents, governing boards, and faculty [10]. Put another way, I am now convinced that many university presidents and their 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.

The presidents still seem unwilling to face up to the pressures and risks associated with reforming intercollegiate athletics – losing their job tops the list. Many speak of integrity and reform in public but do what they can behind the scenes to preserve the status quo with its attendant rewards – big money, power and prestige. Oregon professor James Earl, the “Beowulf Scholar” [3] and an organizer and former co-chair of the Coalition on Intercollegiate Athletics (COIA) [11], a national coalition of faculty governance leaders, says presidents need to renounce “the voices of temptation that come to them day and night from donors, fans, alumni and trustees who love sports more than education” [12]. Governing boards are often populated with individuals who serve at the pleasure of the president and are not only are big donors, but have local corporate/commercial interests as well. Too often, board members are athletics boosters, or are influenced by boosters and/or rabid fans. All can come under the influence of state officials.

For the most part, faculty members are still preoccupied with their graduate students, research and publications. Consequently, they appear to be unaware of the decline in undergraduate education and the educational impact of the extortion-like, fund-raising mechanisms employed by their school’s athletic department [3]. Many faculty members have all but abdicated responsibility for student activities beyond the classroom. The reform task is formidable and the related work is really not the faculty’s “day job” – faculty members were certainly not hired to worry about college sports. However, in the long run, tenured faculty members offer the “best,” if not the only, chance of realizing serious reform. Simply stated, university presidents and governing boards are not likely to respond to the leadership challenge. Although both know that those that live by the sword will die by the sword, they should be getting to know that schools that live by college sports will die by college sports – likely a painful death by a thousand cuts on the academic bod

We had a saying about the ups and downs in the business marketplace: “Things have to get worse before they can get better.” With this in mind, the long litany of wrong doing in intercollegiate athletics over the years, coupled with a continuation of the saga this past year, leads me to the following “either-or” proposition: Either higher education in this nation is on an irreversible decline toward the total prostitution of its colleges and universities, in a never ending quest for more money, power, and prestige, or, the institutions now recognize that they are losing their integrity, are on a fool’s quest, and henceforth, will work in concert to restore academic primacy and integrity to their institutions and to the whole of higher education.

Things may already have got as bad as they are going to get, but there is still little if any evidence that things are getting better, or, if they ever will – a troubling situation to say the least. On that note, consider the following stage-setting remark by the philosopher Alfred North Whitehead, “The task of the university is the creation of the future, so far as rational thought, and civilized modes of appreciation, can affect the issue.” Princeton Professor Stanley Katz used Whitehead’s remark to initiate his questioning the role of the modern university. “But for many of today’s academics, rationality is in question, civilization is anathema, and universities have not created, for themselves or for their societies, the future Whitehead envisaged. What, then, are we about? If, as Stanley O. Ikenberry, former president of the American Council of Education, has claimed, American universities are ‘at the top of their game,’ then just what game are they playing, and what’s the prize?” [13].

Ikenberry’s “at the top of their game” descriptor for American universities could be the ultimate in denial. According to Byers [4], it was Ikenberry, in his role as the president of the University of Illinois at Urbana-Champaign, who led the Illinois side of a no-holds-barred dispute with the Big-Ten Conference in 1980. The dispute ended in a unanimous vote by the conference’s faculty representatives to put Illinois on probation for three years along with other sanctions. Soon thereafter, Ikenberry, as chairman of the Big-Ten Council of Ten presidents, set out to hire a new Big-Ten commissioner. Years later, Ikenberry rose to the presidency of the American Council of Education – becoming the spokesperson for our nation’s higher education institutions. That is how the game seems to be played with a combination of big money, power, and prestige as the prize.

All of this brings to mind a quote that I used when writing the opening to an essay, *Creating Our Common Future* [14], some thirteen years ago. It came from the Club of Rome’s Aurelio Peccei and Alexander King and goes as follows: “If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information that he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged, staggering from one crisis to another.”

There was a reason why I used the Barbara Tuchman quote, “Telling the truth about a given condition is absolutely requisite to any possibility of reforming it,” at the front end of the “Reclaiming” brief. Faculty members and the press can really help to reform intercollegiate athletics by telling the truth about coaches, school administrations, and governing boards that cast a blind eye toward infractions in their desire to win at any cost and about the NCAA that continues to provide academic cover for a commercial entertainment enterprise.

So today we find the situation with college sports much worse than the writers of the *Carnegie Report* could ever have imagined. How can this be? To find the answer one need look no further than the usual suspect – money and lots of it. Big money, together with greed, avid sports fans, an apathetic public, and government policies make for a lucrative and growing tax-free business enterprise. Key to the continuing growth of the big-time, college-sports business are a relatively ineffectual NCAA, and facilitating government policies – involving privacy law and government subsidy of athletic departments and related projects via favorable tax treatment. These enablers will be discussed after a review of some recent flaps and scandals. The Sequel goes on to provide an update on the faculty-driven movement to reform college sports, with special focus placed on the Drake Group’s initiative to help restore academic integrity by working to change the Family Educational Rights and Privacy Act that currently shields academic corruption in college athletics from public view.

## II. RECENT FLAPS AND SCANDALS

**A. The Notre Dame Alumni Letter** – A *Chicago Tribune* column by Avani Patel covered the stern letter to the school’s trustees that was endorsed by several hundred Notre Dame alumni [15]. The letter re-illuminated one of the core problems in intercollegiate athletics – the desire to win at any cost. Winning requires the acquisition of top athletic talent, apparently with the recruitment of top talent by any means necessary – so long as there is a basis for official deniability and evidence of a widely promulgated handbook for athletes and administrators that spells out the school’s zero tolerance policy re: violations of NCAA, Conference, and school rules and regulations. The recruiting scandal at the University of Colorado (CU), discussed in the following section, should be a lesson, not only for the Notre Dame alumni, but also for alumni and boosters across the land. Mike Imrem, did a superb job addressing the Notre Dame letter flap in a satirical *Daily Herald* column [16].

**B. The University of Colorado at Boulder (UCB)** – The UCB scandal just about obliterated the above story about the ND alum’s letter. It is somewhat ironic that some five years ago, Gary Barnett was hired away from Northwestern to coach UCB’s football team with the goal of ending an era of loose recruiting practices and returning the football team to national prominence. Professor Ira Chernus, UCB Department of Religious Studies, wrote an essay, “Football and Sex at Colorado,” that captured the essence of our nationwide problem with big-time intercollegiate athletics where schools do what it takes to recruit and retain top talent [17]. Alcohol, sex, gifts, and money are simply generally accepted table stakes required for playing and winning in big-time college sports.

Clearly, the reputation of UCB has been tarnished of late as a consequence of being caught. Unfortunately, all of the work that UCB Professor and National Academy of Engineering Member Frank Barnes and his colleagues have done, to bring the school’s Undergraduate Engineering Program to a point where it can serve as a model of excellence in engineering education, does not grab headlines. And this is only one of a number of superb academic programs at the school. Also, no doubt overshadowed by scandal headlines, there was the February 24, announcement that Barnes was the recipient the National Academy of Engineering’s top educational honor, the \$500,000, Bernard M. Gordon Prize recognizing innovation in engineering and technology education. A highly informative opinion piece by Carl Wieman, UCB Physics Professor and a Nobel Laureate, describes the university as “an academic appendage to the football program” [18], see Appendix I.

**C. University of Rhode Island (URI)** – A February column by Stefan Fatsis focused on the yearlong self-investigation into academic, recruiting, and other shenanigans at URI, [19]. The timing of the column could not have been better, coming on the heels of the recruiting scandal at UCB. With reference to URI, Fatsis said: “the university got them (the athletes) in and helped them stay in.” Universities that stay in the game to reap attendant money and prestige, as well as to satisfy their boosters, fans, and, in some cases, state officials, do so at the risk of getting caught when things get out of hand. But, will they be punished?

**D. The Hornung Flap** – As reported in the Wall Street Journal, during the course of a radio interview, Paul Hornung, the former Notre Dame Heisman Trophy winner, opined that his alma mater’s football team can’t afford to “stay as strict as we are as far as the academic structure is concerned because we’ve got to get the black athlete” [20]. The fact is Notre Dame has black athletes in abundance. A Notre Dame official called the remarks “generally insensitive and specifically insulting” to all African-Americans who have worn the Irish jersey. Although he subsequently apologized, what Hornung implied in his remarks was that lower standards are OK for black students.

The Hornung flap came in midst of the NCAA’s 2004 “March Madness” basketball tournament that focused national attention on how too many of our colleges and universities already practice what Hornung seemed to be advocating – allowing our colleges and universities to exploit black athletes. Put another way, they make big money off the black athletes they admit to their schools knowing most will never see a college degree. In a pair of hard-hitting columns [21], the *Boston Globe’s* Derrick Jackson noted that the majority of teams in the tournament hid behind privacy provisions to avoid even reporting their African-American graduation rates. Final Four participant Georgia Tech, for example, listed a white rate of 60% and an overall rate of 27%. What does that tell you about where the African-American graduation rate must be? The columns provided abundant evidence of the power of a full-court press to drive the NCAA’s spin machine to record-level, situational rhetoric.

**E. The University of Georgia Test Flap** – The final exam questions on basic basketball knowledge, e.g., How many points is a 3-pointer? – triggered a NCAA investigation [22]. This was the only test for a 2001 class on Coaching Principles and Strategies of Basketball. The 20-question test and transcripts of interviews with some of the students in the class were among 1,500 pages of documents released by the University of Georgia. The names of students who were interviewed were blacked out in the papers. The university admitted wrongdoing in its response to the NCAA about alleged rules violations, which included academic fraud and improper benefits. The basketball coach resigned after he was suspended. The coach who taught the class lost his job as an assistant and the school kept the team out of the Southeastern Conference and NCAA tournaments. The NCAA concluded that the assistant coach “fraudulently awarded grades of A to three men’s basketball student-athletes” enrolled in the course – allowing them to miss class and tests. All the students in the class were given an A. The coach’s attorney said they would not comment. A federal lawsuit, accusing university officials and others of defamation, has been filed.

**E. Comments** –UCB is by no means alone. Kathy Redmond had a reason for founding the National Coalition Against Violent Athletes. Nonetheless, Coach Barnett provided UCB officials with a convenient scapegoat by saying the wrong thing the wrong way at the wrong time. Most likely, Barnett was doing what most, if not all, coaches at his level do to recruit and keep the athletic talent they need to win ... win, or be fired by the president at the behest of a board that is influenced by unhappy boosters, alumni, and/or legislators who threaten to withhold financial support. At a minimum, university presidents and their boards need to know that they all share in the responsibility for their school’s environment that can lead to scandals.

Sad to say, schools can’t win at the highest levels without compromising their educational mission and doing things that would never win them any merit badges. Dan Le Batard, made the point when he said: “the coach now has a choice of recruiting thugs or losing to them” [23]. Chicago’s *ABC7* investigative reporter, Chuck Goudie, remade Le Batard’s point and more in a column, “Rap sheets are the new stat sheets for today’s college athletes” [24], that was followed up by the author’s, “College Sports Mess Cries for Reform” [25]. Mike Imrem has said:

“If only fans and the media were interested in whether players are taught as well as coached. If only universities were as concerned with graduating athletes as with using them to win games, attract attention and generate revenue,” [26]. Taken together, Chernus, Wieman, and Imrem summarize a sad state of affairs – providing apt descriptions of what the faculty-driven movement to reform big-time college sports is working to change.

### III. THE NCAA: STRUGGLING TO PRESERVE THE MYTH OF AMATEURISM

Sam Walker, the *Wall Street Journal* Sports Editor, appeared to take aim at the NFL with comments on the judgment that threw out the league's 3-years-out-of-highschool restriction on eligibility – freeing Maurice Clarett for its draft [27]. One might ask why in the world would the NFL appeal the court ruling and then fight with such vigor to have the restriction upheld if not to protect a no-cost minor-league system managed, in large part, by the NCAA? To be exact, there would be LeBron James types of missed opportunity costs, but what a small price to pay for a proven feeder system that provides a steady stream of well seasoned and more physically mature “student-athletes.” Walker said: “Maybe the collective weight of all those stadium subsidies, television billions and increasingly ostentatious half-time shows have helped the courts see the harmless little NFL for what it really is: a slick and hugely profitable monopoly that's got a bit arrogant.” What about the NCAA? In a nutshell, it's struggling to keep up – putting the best possible face on reprehensible conduct and events related to college sports.

Anyone who thinks that Colorado University is the only school that operates as alleged recently, probably believes that college sports is not a big business, that all athletes come to college to earn degrees, that all athletes are students first – amateurs participating for love of the game – and that the NCAA regulates college sports to make this really happen. The reality is that college sports are organized around a myth of amateurism promoted by the NCAA cartel – a moneymaking juggernaut that acts as a powerful front organization for the commercial-entertainment interests of its member schools – managing “minor-league” teams for the NFL and NBA while operating as a not-for-profit institution of higher education [9, 28]. Since the NCAA also makes the rules, investigates infractions, and imposes penalties, it suffers from a megadose of self-conflict, especially when it comes to serious reform. Something has to give, and as we will see, that something is enforcement.

**A. Talk About Reform** – Current NCAA President, Myles Brand, must indeed be frustrated as he is shamelessly positioned to play the role of a serious reformer. On the one hand, he has vowed to make schools pay for not educating their athletes with new penalties – ranging from loss of scholarships to banishment from participation in March Madness. And, on the other hand, he is paid big money, not to reform college sports, but rather to protect the NCAA cartel's vital economic interests – economic interests that include the tax benefit related to the NCAA's classification as a nonprofit institution of higher education. A sign of his frustration is his recent vilification of the reform-minded Drake Group [29]. “Critics see over-commercialization,” Brand told Liz Clarke of the Washington Post. “I would be happy to have dialogue and work cooperatively (with The Drake Group), but it's not clear to me they want to work cooperatively as opposed to being critics,” Brand told Indianapolis Star reporter Mark Alesia [30]. An informative Pro/Con “debate” between Brand and Linda Benschel-Meyers, the Director of the Drake Group, on the question: “Can the NCAA effectively reform college sports?,” is featured in Tom Price's recent article in the *CQ Researcher* [31]. Price also includes a tail-end section, “Can Brand Reform the NCAA?,” wherein Wake Forest University President Thomas K. Hearn Jr. is quoted as saying: Brand is a fine leader, the question is: Can the organization be led?

Brand took action on the recruiting scandal at Colorado [32], announcing the formation of a task force that will reexamine the NCAA's recruiting rules – saying it was “an interesting coincidence” that he took an ethical stand the same day when he took part in a public discussion on the Texas Christian University campus. “But ethical concerns are really at the heart of what the NCAA and college sports are all about,” said Brand. He went on to say: “College sports is not a business. It's about educating young men and women in the field and in the classroom. And that has serious ethical implications.” And, on the occasion of the BCS agreement to add a fifth bowl game, he said: “This agreement is a significant victory for college sports and higher education” [33]. But, exactly how might this be so?

These statements seem to fit the NCAA's characteristic pattern of saying all the “right” things for public consumption. But as its long history indicates, it will only do the minimum so as to protect its moneymaking enterprise. Put another way, history teaches that the NCAA will only do what it deems absolutely necessary to avoid intervention by outside parties such as the government and the Presidential Coalition for Athletics Reform – first protecting itself and its cartel members from antitrust and other challenges and then worrying about what's best for so called “student-athletes.”

**B. Enforcement** – Walter Byers, who served as the executive director of the NCAA from 1951 to 1987, dedicated an entire chapter to enforcement in his tell-all book [4]. Byers, who titled the chapter, “Rules Are Not for Enforcing,” tells how, coaches, athletic directors, presidents and conference commissioners who attempt to enforce the rules are treated as if they are out-of-touch and made to suffer dire consequences. Tough enforcement matters are left to a woefully understaffed NCAA infractions committee that operates with threats of expensive lawsuits by litigious-minded universities who can challenge every charge no matter how well grounded, for example, see [34].

Zimbalist put it this way: “NCAA enforcement has many problems, ... but its fatal failure is that it does not enforce a system of sanctions that effectively deters flouting of rules.... The NCAA needs to triple or quadruple its enforcement staff, improve their training, and offer them salaries sufficiently attractive to keep them on the job” [9]. The NCAA’s recently announced plan for a 50% staff increase, from 12 to 18, is a step in the right direction, but in no way adequate to the task. This all but assures business as usual – walking loudly, but carrying a small stick.

**C. More on Academic Reform** – The NCAA is now in the midst of another one of its mostly fruitless, periodic, efforts to put the student back in the “student-athlete” via its highly acclaimed academic-reform program with incentives/disincentives [35]. The COIA Steering Committee sees this Division I program as “a significant step forward in addressing the manifold problems of intercollegiate athletics [11]. The COIA commentary goes on to say: “These reforms can better focus schools and their athletics programs on the academic needs and goals of athletes, but only if faculty and administrators at each school accept accountability for ensuring that the standards are honestly met. The NCAA has played a leadership role by adopting these policies; now it’s up to everyone involved in education to translate them into campus cultures that support athletics as a complement to academics.” On the other hand, Marc Isenberg believes the plan opens the door to even more abuses while providing loopholes besides – joining many others by arguing for freshmen ineligibility and a reduction in midweek games to assure that school athletes have a reasonable opportunity to succeed in the classroom [36].

It remains to be seen how this program will fare given the enforcement challenge and the propensity of some schools to develop ingenious countermeasures to foil even modest NCAA reform efforts. Schools will be asked to judge themselves, but who will judge the judges? Still the program may be able to net the most egregious offenders. No doubt, it will see a demand by coaches for low passing bars and other mechanisms that will allow them to obtain and maintain professional-level rosters of college athletes. In 1999, a federal judge threw out the NCAA’s standardized-test-score requirement on the grounds that it had a “disparate impact” on African-Americans. The *Wall Street Journal* stated: “Never does it seem to occur to these champions of political correctness that the real answer here is not to lower academic standards at the university level but to address the crisis in the urban public education system that is responsible for this disparate impact” [20].

Brand lashed out at real and imagined critics of the NCAA’s “landmark” reform package in a thinly veiled rebuttal to Isenberg [37], saying: “But before the ink is dry on the documents, and before these new standards can be implemented, the self-anointed radical reformers and incorrigible cynics are criticizing the National Collegiate Athletic Association and its member universities for a faulty reform effort. Some, clearly, want the N.C.A.A. to fail. Some want to turn collegiate sports into professional sports. Others have some pet solution, like freshman ineligibility, that they think is a silver bullet to solve complex, multifaceted problems.”

Surprisingly, he again vilified the Drake Group saying: “The Drake Group, consisting of a small number of faculty members with an eye for publicity, wants to end university support of intercollegiate athletics. They want to turn college sports into minor leagues for professional teams. Others want the universities to pay student-athletes. None of these approaches, however, would stop the most talented athletes from leaving campus for lucrative professional contracts or solve the problem of poor academic performance and poor graduation rates. The primary argument put forward by these critics is that the tougher academic standards embodied in the new N.C.A.A. rules will lead to academic fraud....” *The Wall Street Journal’s* Stefan Fatsis aptly attributed the remarks to a Howard Dean moment by Dr. Brand [38].

Sadly, Brand’s wholly inaccurate statements reflect a total distortion of the Drake Group’s Mission and a denial of reality. In effect, the NCAA-cartel is already managing minor leagues for professional teams. Also, an unstated NCAA mission is to maximize revenues by managing teams and leagues behind a facade of “amateurism.” Anyone who speaks out, who tells the truth, seeks disclosure and displays outward signs of intimate knowledge of the sad history of past reform efforts at the NCAA is subject to being labeled as a self-appointed critic. Perhaps Brand is reacting to the Drake Group’s persistent, Toto-like behavior – working for disclosure to pull aside the curtain of secrecy shrouding the NCAA-cartel’s operations.

**D. Strategy and Tactics** – The NCAA does not appear to lack for an overall “winning” strategy and a multiplicity of tactics to protect its cartel and to co-opt the emerging faculty-driven movement for intercollegiate athletics reform. The NCAA strategy is based on strict adherence to former NCAA President Walter Byers’ original “student-athlete”/collegiate model, despite the fact that Byers no longer believes in the efficacy of the model [4] and that many other NCAA “critics” advocate spinning off big-time college sports programs in a variety of ways [5-10]. Notwithstanding, its new incentives/disincentives and academic-reform program, Bensel-Meyers argues that: “The NCAA cannot reform collegiate athletics, but it can reform itself by honestly taking on the job of regulating a farm system independent of higher education” [31].

According to Brand, the collegiate model is education based while the contrasting professional model is profit based. Anyone reading Derek Bok’s book, *Universities in the Marketplace* [39], would be hard pressed to differentiate between the two models in the real world. However, from a monetary point of view, the collegiate model would likely be better described as loss based, if rigorous cost accounting were applied to a college’s big-time athletics enterprise – including its capital expenditures.

In his January 11, 2004, “State of the Association” speech, Brand used the “student-athlete” descriptor no less than 23 times as if to convince the listener/reader that college athletes are really bonafide students – a contention that flies in the face of reality.

For example, Zimbalist quotes a football coach as saying: “Not more than 20 percent of the football players go to college for an education. And that may be a high figure.” Russ Grundy’s commentary [3, p. x] gets right to the point: “...to be a consistent winner in the big-time, revenue-producing sports of football and basketball requires that athletes put their sports first and academics second.... Schools with high academic standards are at a real competitive disadvantage. Doing the right thing for their students usually costs a school the big money associated with the top bowl games and participation in “March Madness.” With few exceptions, greater than fifty percent graduation rates will all but guarantee sitting out post-season play, or, post-season play by virtue of an athletic department that knows how to game the academic system.”

The NCAA will likely continue promoting its amateur myth [4, 5] – adhering to the elements of the amateur-based, “student-athlete” strategy that has brought it success in the past – putting its best foot forward at all times. Today it means keeping Brand up-front as its academic face and voice selling tough-sounding but intrinsically weak reform measures, as well as employing their Washington lobbyists to prevent a change in their not-for-profit status, obstruct antitrust challenges, and stifle “sunshine” disclosure. It will also take the lead on calling and hosting meetings with resource-poor groups to gain the “home-field” advantage. Meetings at NCAA’s plush headquarters with articulate, charismatic, and, no doubt, high-powered, Athletic Directors fits the overall set of successful NCAA tactics. For example, see Bill Pennington’s *New York Times* article [40].

**E. Comments** – Although the *Chicago Sun Time*’s Rick Telander went into a bit more detail than did the *Chicago Tribune*’s Bob Verdi, both sports writers made the point about Brand’s disappointing performance as president of the NCAA [41]. No doubt this is a case of unrealistic expectations. The performance of recent NCAA Presidents really should come as no surprise. Put another way, money talks. As noted by Andrew Zimbalist, [9, p. 181], back in 1997, Brand’s predecessor, Cedric Demsey, had a total compensation of \$647,332 while the next five highest paid NCAA administrators all averaged compensation above \$200,000. According to Zimbalist, the NCAA refused to divulge Dempsey’s Fiscal 1998 or 1999 compensation. It defended his salary as dictated by the market. The not-for-profit NCAA is now paying Brand in excess of \$760,000 – twice what he made as the president of Indiana University. The NCAA’s two top administrators now have average annual salaries of more than \$425,000. Brand’s current compensation package likely exceeded the sum-total compensation of the five or six COIA reform-minded faculty representatives at the January 23, 2004 meeting at NCAA Headquarters.

#### **IV. UNIVERSITY ADMINISTRATIONS AND GOVERNING BOARDS: ARE THEY ABLE TO CHANGE?**

**A. On Speaking Out for Change** – The Knight Commission stated in their second report [42], “if it proves impossible to create a system of intercollegiate athletics that can live honorably within the American college and university then responsible citizens must join with academic and public leaders to insist that the nation’s colleges and universities get out of the business of big-time sports.” Imagine the nation’s university presidents and conference commissioners, and NCAA President Myles Brand, emulating the Reverend Donald Harrington, the president of St. John’s, by recommending suspension of scandal-ridden programs at their own schools, or, in the case of Brand, suspension from the NCAA? Further still, imagine them saying (as did Harrington): “I am going to my board to tell them it’s now my conviction we can’t keep up the hypocrisy. Our values and mission are too important. If the question is, Would you sacrifice your principles rather than face fact? – The answer is no. We will not sacrifice our principles or our mission.”

Telander said: “Not a chance in hell,” [41]. Maybe, maybe not. But at least Fr. Harrington said it. Those quotes would be headline stories, especially if Brand would speak out, but what we hear instead are reiterations or variants of: “College sports is not a business. It’s about educating young men and women in the field and in the classroom. And that has serious ethical implications.” Indeed it does.

If university administrations really want to make sure that they have a clean athletic program, they will need to address one of the root causes of their problem – playing to win in big-time intercollegiate athletics by doing “what everybody does.” They can help themselves by speaking out. However, they could pay a heavy price for their effort, not only angering boosters and fans, but also risking their jobs in the process. With a look toward Vanderbilt’s Gordon Gee and with the support of their governing boards and faculty senates more presidents may take that risk. Going forward, informed governing boards could be of more help than ever.

**B. University Governing Boards** – The AGB Board of Directors responded to the June 2001 report of the Knight Commission on Intercollegiate Athletics, which called on governing boards to work cooperatively with their chief executives to examine the place of sports in the nation’s colleges and universities, by adopting “The AGB Statement on Board Responsibilities for Intercollegiate Athletics,” this past March [43]. The statement offers best practices to guide governing boards in supporting presidents and chancellors in fulfilling their responsibility to ensure the integrity of their institutions. Though the document applies most directly and urgently to institutions with major basketball and football programs, the AGB board believes it also will be useful to boards and academic leaders at smaller colleges that compete in a range of sports, conferences, and NCAA divisions. Among other things, the document lists questions board members might ask campus officials. However, no mention is made of Sarbanes-Oxley and other disclosure requirements that would help ensure solid governance structure

According to Clint Talbott, UCB's President Elizabeth Hoffman has vowed to rein in athletics, but thus far, she has shown an inability to address rational criticism of athletics. Her dismissive comment, "Carl doesn't like athletics" – referring to Carl Wieman's *Daily Camera* opinion piece [18] – casts doubt about the imminence of reform [44]. In his "Golden Buffs" investigative report, the *Daily Camera*'s Talbott tells how UCB's academic programs struggle for funding and campus buildings decay while athletic budget continues to soar. He certainly raises a question as to how much help Hoffman can expect from her governing board once it is informed by the ABG Statement.

Talbott says: "The Board of Regents, like much of Colorado, includes chauvinistic sports fanatics. And the regents have a well-documented conflict of interest. For instance, the nine regents reported to the Secretary of State that in 2003, they received \$31,700 in gifts. All but \$2,600 of those gifts were from athletics. Regent Peter Steinhauer, who chairs the board, has accepted \$20,231 in gifts during the last six years. All but \$70 of those gratuities came from athletics in the form of free game tickets, meals and parties. And the \$20,231 does not include transportation to and lodging at bowl games, at which CU policy dictates a "special guest protocol for regents." These are the regents who appointed the "independent" investigative panel that is probing the scandal, the same regents who will approve — or reject — any recommendation for reform, and the same regents who've allowed athletics to grow disproportionately large. Can we expect these big Buffaloes to change course? Don't bet the farm."

*"... here is my theory on all scandals that take place in big-time college athletics: If the president, athletic director and coach knew what was going on, fire them. If they didn't know what was going on, fire them." – John Feinstein [45]*

## V. GOVERNMENT POLICIES: FACILITATING THE BIG-TIME COLLEGE SPORTS BUSINESS

**A. The Buckley Amendment: Shielding Academic Corruption** – New York Time's writer George Vecsey has said: "In the United States, people know all about the corruption, the phony admission standards, the payoffs, the boosters that permeate college sports. University administrators know. Fans know. We all go along" [46]. But where do we find the evidence to back up this seemingly universal knowing? This information would focus more on what the academic institutions are doing as opposed to what the students are doing. But this kind of information has been kept shrouded in secrecy by the law. The law involves the Family Educational Rights and Privacy Act of 1974 (FERPA) – sometimes known as the Buckley Amendment.

An unintended consequence of the Buckley Amendment, is that it allows evidence of academic corruption and shenanigans in big-time college sports to not only be hidden from real public scrutiny, but also allows the NCAA and schools (via waivers) to exploit and control their athletes while only releasing news favorable to themselves. For example, witness the touting of the Final Four's Most Outstanding Player's 3.8 grade point average in finance. But Emeka Okafor plays for a UConn team where barely a quarter end up with degrees. Perhaps worse yet, the Buckley Amendment has allowed schools to deny awareness of academic "crimes" committed on behalf of their athletic departments.

**B. The IRS Tax Code: Providing Economic Fuel for the Big-Time College Sports Business** – Jim Duderstadt was quoted by Dave Kindred [47] as saying: "We're headed for a train wreck. It'll be financial because how much worse than the Colorado scandal can you get?" According to Kindred, Duderstadt reckons the financial wreck could be caused by a federal antitrust lawsuit or by arrogant athletic departments overtly cannibalizing student programs to keep football and basketball programs. In my view, it is more likely that the "financial wreck" will come from a serious IRS study/audit of the favorable tax treatment of the commercial activities of athletic departments – including "quid pro quo contributions."

The large income stream stemming from the "sky-box boom" has been assisted in large part by a 1999 IRS ruling that allows boosters to deduct most of the donations they make to lease skyboxes ... donations estimated to account for billions of dollars to Division I universities [48]. Zimbalist, [9, pp. 125-148], discusses the commercial connections and government subsidies to college sports – providing the story behind the gutting of Unrelated Business Income Tax Law ... law that was written to provide for the taxation of the activities of a nonprofit organization that are not substantially related to the exempt purpose for which it was formed.

Although the NCAA already regulates farm systems for the NFL and NBA, it is unlikely that it would willingly give up its tenuous affiliation with higher education and the millions of dollars in tax benefits stemming from its not-for-profit status. Consequently, an in-depth IRS audit would be the NCAA cartel's worst nightmare – having the potential to fully expose its 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.

*An in-depth IRS audit would be the NCAA cartel's worst nightmare – having the potential to fully expose its Achilles' Heel – the extremely weak educational basis for the current financial structure of big-time college sports.*

## VI. THE FACULTY-DRIVEN REFORM MOVEMENT

The Knight Commission's second report noted that when their first report circulated ten years prior, Bo Schembechler (University of Michigan football coach, 1969-89) said that the proposed reforms would sound great for a while, but “by the turn of the century, things will return to their normal state. This hubbub will pass, as will the so-called reformers.”

Although, the first part of Schembechler's statement was essentially on target, the second part was not. The hubbub and the so-called reformers have not passed from the scene – there is an ongoing faculty-driven effort aimed at reform in college sports.

Faculty members represent the real strength of our colleges and universities. They can make a major contribution to a clean up of college sports. Unfortunately, disparate, independent-minded faculty groups are now outgunned by powerful “forces” at the various conferences, the NCAA, the BCS, as well as the athletic departments and administrations at their own schools. These forces not only benefit from the flow of money occasioned by the commercialization of higher education, but also will work to co-opt any serious reform effort even under the guise of helping, often with the support of alumni and “booster” groups.

**A. Current Focus** – The “Reclaiming” brief has received wide exposure. Father Hesburgh's Foreword along with strong backing from him, Jim Duderstadt, and the Drake Group have certainly helped. My Northwestern colleague, Carol Simpson Stern, a former president of AAUP, distributed some 400 copies at the 2004, Annual Meeting of the AAUP in Washington. This distribution combined with those at the Fordham Forum, AAHE, ECEDHA, Drake Group, and Knight Commission meetings, as well as distribution to the COIA and AGB directors, selected faculty members, government officials, and the press, has accounted for some 1500 copies. All parties have been encouraged to network the “message” behind the faculty-driven movement to reform college sports via Web access to the brief [3].

A current focus of this effort is on galvanizing disparate, but like-minded faculty groups – advocating for a coherent effort to work together rather than remaining separate and working alone. These groups include the Drake Group, the COIA, the American Association of University Professors (AAUP), and the American Association for Higher Education (AAHE). Ultimately, we in the movement aim to restore academic integrity to college programs – raising the quality of education for all college students, including today's exploited athletes. With the help of the national press, various professional meetings and forums, we are making strides in illuminating critical issues surrounding college sports.

For example, Fr. George Hunt, S.J., director of Fordham University's Archbishop Hughes Institute on Religion and Culture, moderated the Institute's April 27, forum on “Organized Sports” that addressed the question of whether or not organized sports can recover the honor, respect, discipline, integrity and fairness that once was associated with the word ‘sports.’ Many insights have been garnered from the work of Kevin Braig who laid out a game plan to address the growing pressures on high-school athletics caused by television, recruiting to win, and the economic value of winning [49].

The Drake Group's current focus is on an initiative to help restore academic integrity by working to change the Family Educational Rights and Privacy Act that currently shields academic corruption in college athletics from public view. Clearly, this and other initiatives to reform intercollegiate athletics are not headline grabbing topics such as the recruiting scandal at UCB and those associated with almost all levels of college sports. The scandals supply colorful stories for the press and other media – providing reality-TV-like entertainment for the general public. But, there can be a long lasting benefit associated with the pressure generated by such scandals on the NCAA, university presidents, governing boards, conference commissioners, and, hopefully, on accreditation boards as well. The recruiting scandal at UCB provides a good “for instance.”

**B. The UCB Faculty Assembly Proposal for Reform** – On May 6, the Special Committee on Athletics Reform of the UCB Faculty Assembly submitted a Proposal for Reform of Intercollegiate Athletics at the University of Colorado at Boulder to faculty delegates [50]. Adam Schrager, *9News* legislative reporter and Jim Hughes of the *Denver Post* covered the story [51]. A hyperlink to the proposal can be found in Schrager's Web report. The proposal dispels several myths about the advantages of big-time college sports before calling for fewer athletic scholarships, increases in academic requirements for student athletes and more oversight of the athletic department.

According to Scott Adler, the committee chair and one of the authors, the proposal is intended not only to serve the needs of UCB, but to serve as a model for other schools as well. He told faculty delegates, who were unanimous in their approval of the proposal: “The plan puts CU (Colorado University) on the map as the place that actually “got it right.” A *Rocky Mountain News* OP-ED column by Adler and others summarizes key elements of the faculty proposal [52], see Appendix II. The UCB Faculty Assembly is a member of the COIA that has 36 member schools that joined via a vote by their faculty senates. CU, along with Nebraska, Oklahoma State and Texas, are the Big-12 Conference schools represented in the COIA.



*“...after we won the national championship in 1966, the Rev. Theodore M. Hesburgh, then president of Notre Dame, refused to let the team play in a postseason bowl game, because that would make it difficult for us to prepare for final exams – an inconceivable stand for a president of a Division I institution to take today. And back then, the National Collegiate Athletic Association still barred freshmen, even those with exceptional academic credentials, from participating in varsity competition. Although we had to endure the rigors of fall and spring practice, the freshman-ineligibility rule gave young athletes a year to adjust to college life with minimal interference from athletics. What’s more, athletics scholarships were guaranteed for four years, regardless of whether the recipient actually competed in sports.” – Allen L. Sack [53]*

Notwithstanding the scandals and the recommendations of their investigative panel, the UCB has reinstated Coach Barnett and has retained President Hoffman, Chancellor Bynny, and Athletic Director Tharp, [54]. This does not bode well for execution of UCB’s recently approved action plan for the reorganization and oversight of intercollegiate athletics at UCB [55]. It is difficult to imagine that all the members of the “old guard” have now “got religion” and will take a proactive, by-the-book, stance on requisite changes.

It would not take a big leap for UCB to simply follow the NCAA’s successful tactics in such matters – see little, walk and talk loudly (about reform) while carrying a tiny stick – absorbing media punishment as a “cost” of doing business. As a further example of this tactic, consider the fact that the NCAA recently determined that infractions in the University of Rhode Island’s basketball program were either isolated or inadvertent – accepting the trivial corrective and punitive measures URI has taken, such as the loss of one scholarship for three years [56]. Again, “Rules are not for enforcing.” Likely, Scott Adler and his reform-minded colleagues in the UCB Faculty Assembly as well as the whistle blowers at URI are already suffering almost unbearable levels of frustration.

#### **Graduation Rates and Disclosure**

Much has been written about graduation rates for big-time college athletes ... rates that must be disclosed by virtue of a federal statutory requirement. The recent hubbub about the pitiful graduation rates for most of the teams participating in March Madness again focused 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. Therefore, one is led to inquire as to the nature and extent of the complicity of school presidents, administrations, and faculties in this corruption. Just how do they get away with it? Here is how they do it and what can be done to help stop it.

In their present form, graduation rates are a poor metric for gauging academic outcomes and for exposing academic complicity. What’s more, as presently constituted, they provide a weak link in the NCAA’s planned incentives-disincentives process. This highly touted process is supposed to hold institutions and individual sports programs accountable. Without proper safeguards, the use of grad rates 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.

Also, rates can be gamed by deceitful athletic directors and school administrators, for example, via academic counseling and support provided by the athletic department. Coaches can 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. Should push come to shove, large football team rosters of 85 and more make attainment of a minimum 50% graduation rate a no brainer. For the sake of a past-present roster-size comparison, the National Championship Notre Dame teams of the late 1940s had a travel-team roster limit of 38 players. Just think of the cost reduction that could be affected by an incremental reduction of football team rosters to at most 48 players. Disclosing graduation rates is not a complete waste of time since they provide a hook for the press to hang a truth-telling story that can be easily understood by the general public. They represent an imperfect tool that can be improved upon once a foothold has been secured for a transition into disclosure of more meaningful information. Without disclosure there will never be serious and enforceable reform.

**C. Cleaning Up Buckley** – Thanks to Matthew Salzwedel and Jon Ericson, we now have an approach to resolving the vexing problem presented by the Buckley Amendment. Salzwedel and Ericson co-authored a breakthrough *WISCONSIN LAW REVIEW* Article, “Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics,” [57]. The authors first explain the Buckley Amendment and its impact in painstaking detail and then go on to make a compelling case for simple changes. These changes would permit an appropriate level of disclosure ... disclosure that would neither be harmful to students nor represent an invasion of their privacy. Nonetheless, the 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. The author’s proposed mechanism would be to: 1) Modify Buckley (or related regulations) by inserting the word “courses” after the words “major field of study” as directory information, or, 2) Add to (or replace) the (current) statutory requirement of disclosure of graduation rates with the phrase: “academic records of members of student groups such as athletic teams sufficient in number to protect the privacy of individual students.”

Over time, the changes would work to ensure that college athletes are getting a legitimate college education. My recommendation would be to argue for both modifications with the “add to” variant in the second recommended modification. In any case, I wholeheartedly agree with the authors closing statement: “And now, more than ever, these changes are needed to protect the public trust from the closed society of higher education.” Surely, the changes would minimize the need for “whistleblowers.”

In view of the rising number of scandals attending the realm of college sports, and the increasing ineffectiveness of the NCAA to regulate competition while preserving the educational rights of athletes, we of the Drake Group have come to believe that changes to the Buckley Amendment require governmental intervention. To this end, the Drake Group made a formal request to LeRoy S. Rooker, Director of the U.S. Department of Education Family Policy Compliance Office, for a review of the Buckley Amendment to Section 438 of the Federal General Education Provisions Act. Additional background and context for the request was also provided – demonstrating the need for a review of the Buckley Amendment in the light of the present state of college sports and the publication of the Salzwedel and Ericson *Wisconsin Law Review* article. Similar requests were made to the chairs of cognizant House and Senate Committees as well as to select members of the House and Senate.

*“In the sprawling NCAA, no change comes easily, so Dr. Brand deserves some credit. If his plan leads schools to pay honest attention to how they educate athletes, terrific. But it won't alter the root problem in big-money college sports: the pressure on athletes, coaches and administrators to win. So it isn't unreasonable to predict, as the Drakies did, that some schools will cut more corners to ensure their point guards and linebackers make the new NCAA-mandated grade. Dr. Brand says that's cynical, that cheaters won't prosper, that faculty have integrity. But scandals erupt. Gut courses, grade changes and transcripts heavy on the sixth and ninth letters of the alphabet are common. Faculty and others who whistleblow are marginalized. Internal probes are suspect, NCAA ones limited by a small staff and ample loopholes.*

*A lack of sunshine doesn't help. It will be hard to evaluate claims of academic improvement without knowing the classes players take, the names of instructors, and overall course and team GPAs. Right now, access to such information is blocked by a 1974 federal law known as the Buckley Amendment. "It's naïve to raise academic standards without a concomitant public accountability," Drake founder Mr. Ericson says. The NCAA hasn't called for revising Buckley, in part because its "philosophical concept" – privacy – "is one that is hard to argue," an official there says. The Drake Group is starting to lobby to get the law changed. It means business, too.” – Stefan Fatsis, [38].*

## VII. REFORM REDUX

Paul Hornung's verbal fumble was picked up by an editorial in the *Chicago Tribune*, “What Hornung should have said” [58] – providing a segue for a reform redux. The editorial claims that “NCAA exploitation of student athletes is a national scandal, especially for black athletes.” *The Atlanta Journal Constitution*'s Kelly Simmons reports that Damon Evans, who is replacing outgoing Athletics Director Vince Dooley, will become the first University of Georgia athletics director included in the president's cabinet [59]. According to Simmons, Evans, the first African-American heading a Southeastern Conference sports program, welcomes the changes in the role, saying: “In order for us to be successful, we have got to bring athletic concerns and academic concerns closer together, we're here first and foremost for education.”

The NCAA's proposed reforms in the wake of the UCB recruiting scandal came under critical review at a House Energy and Commerce subcommittee hearing that was called by Chairman Cliff Stearns, R-FL, to examine the NCAA response to the recruiting practices and policies of intercollegiate athletics. Chairman Stearns mentioned a possible motivational tool for Congress to get what it wants: the tax-exempt status of NCAA programs. He was quoted by Mark Alesia as saying: “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” [60]. These remarks spawn hope that the NCAA and its members will have to tell the truth about its financial operations. Representative Jan Schakowsky, D-IL, said: “I'm concerned that some of the new proposals don't go far enough.” [61].

In a June 22, Senate Finance Committee (SFC) hearing on nonprofit practices, abuses and ways to improve oversight, the IRS said it would examine some 400 foundations to determine whether the philanthropic institutions were complying with tax laws. It is understood that this effort is part of the SFC's contribution to a broad regulatory effort to better police the nonprofit sector, which controls billions of tax-exempt dollars. As reported by Stephanie Strom of the *New York Times*, SFC Chairman Senator Charles E. Grassley, R-IA, promised to introduce legislation in the fall to strengthen regulation at the federal and state levels, increase the responsibility of boards, stiffen penalties for conflicts of interest and other failures to comply with tax laws and enhance disclosure, saying: “It's obvious from the abuses we see that there's been no check on charities; big money, tax free, and no oversight have created a cesspool in too many cases,” [62].

Perhaps Senator Grassley will soon be next on a list of “self-appointed critics” – joining the Drake Group, the *Chicago Tribune*, and the likes of Mark Alesia, Derek Bok, Walter Byers, Jim Duderstadt, Stefan Fatsis, Bob Gilbert, Mike Imren, Derrick Jackson, Robert Lipsyte, Allen Sack, Jan Schakowsky, Murray Sperber, Ellen Staurowsky, Cliff Stearns, Rick Telander, Andrew Zimbalist, and a host of other writers, journalists, and government officials who have made valiant efforts to penetrate the veils of secrecy and hypocrisy shrouding big-time college sports and the NCAA cartel

*“Big-time college sports, however, is all about entertainment – and, as the recent books remind us, no important constituency seems to care. Fans love such commercial spectacles, and alumni rank them among their most memorable college experiences. Faculty members are too preoccupied with research to give the decline of undergraduate education much thought. Powerful board members know that the classroom experience of athletes is far from ideal, but console themselves with the belief that the lessons learned on the court and playing field are more important anyway. Presidents generally acquiesce in the decisions of trustees and alumni.” — Allen L. Sack [53].*

## VIII. CONCLUDING REMARKS

Surmounting the formidable barriers that have heretofore shielded intercollegiate athletics from serious reform will require simultaneous work on many fronts with many alliances – a Join-or-Die effort in the sense that no one organization can do it alone. However, at this time, no person or organization has the sort of time, energy, and money that is required to mount and coordinate a “full-scale” national effort to restore integrity in higher education. This a difficult “burn-out” causing venture. For example, Earl has stepped back from his leadership role in COIA saying: “I’ve had it up to here for four years. So be glad that I’m going back to the Dark Ages, where nothing I learn can do anyone any harm or interfere with anyone’s profits” [12]. Nevertheless, the Internet can be used as a binding force that will partially offset the lack of a physical office and funds to support full-time staff to concentrate on the tasks ahead.

*Those who still see the NCAA as an engine for serious reform need only listen to what the NCAA folks say and then watch closely to see what is actually done and not done [3, p. 6]. Are they advocating for academic integrity and disclosure, e.g., by supporting the changes to the Buckley Amendment recommended by Salzwedel and Ericson [57, p. 1113]? Or, are they leaving such matters to the school’s “old guard” to judge? Are they working to see that college athletes are provided a real, not pretend, education by reducing the number of athletic events that infringe on student class time, by requiring athletes to maintain at least a 2.0 GPA – quarter-by-quarter or semester-by-semester – in accredited, degree-track courses in order to participate in college sports, or by expressing team graduation rates as a weighted average based on conference-level playing times? Unless forced by the government, it is highly unlikely that we will ever see such bellwether NCAA actions to ensure progress and continuous improvement, or such logical reform measures as:*

- *Replacing one-year, play-for-pay, athletic scholarships with five-year, need-based, scholarships that can’t be revoked because of injury or poor performance;*
- *Requiring that academic support for athletes be mainstreamed with the same control for all students;*
- *Requiring that the athletics department of member schools employ a standard uniform system of accounting that includes capital expenditures and is subject to public financial audits;*
- *Restoring freshmen ineligibility for varsity teams – a potential Occam’s Razor “solution”, see [3, p.9]*

One can find a thoughtful list of reform measures such as those outlined above at the end of the many books and articles on the subject of reform. By now it should be clear that, 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 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 business – restoring academic integrity to our nation’s colleges and universities, but putting at risk the big, tax-free money flow into the NCAA cartel. What we have instead are clever efforts to avoid reform by creating the illusion of reform. 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 real consequence ever happens in the way of substantive reform

*By now it should be clear that, no matter how appropriate any one of a number of these reform measures may be, or how bad the 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 be adopted on a voluntary basis.*

And yet, 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 best seller, *Sports in America* [63]. 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.”

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, 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 [6]. All of this is to be contrasted with the obsession of our nation's foreign competitors with high quality education at all levels.

*“Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the Government nor of dungeons to ourselves. Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it.” – Abraham Lincoln, 1860*

So, 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 tasks of championing disclosure via “cleaning up Buckley” and triggering a serious IRS study/audit of the NCAA cartel – risking the wrath of their usually apathetic constituents. But, you never know what can happen, especially after seeing the strong statements made by Reps. Stearns and Schakowsky. Their efforts, buttressed by compelling arguments for reform by faculty and other groups, as well as intensive scrutiny of college sports by the media, can make a difference. The Knight Commission, the AGB, the NCAA, members of the Academy, Congress, the Department of Education, and the media all have vital roles to play in the challenging reformation process.

Hopefully, this sequel to the brief, “Reclaiming Academic Primacy in Higher Education,” will help inspire additional efforts to open the machinations of the big-time college sports business to public view and so stimulate successful reform. The obstacles are formidable. All the more reason for the faculty-driven movement to reform college sports to persist in its “right-makes-might” effort to bring about change with the Drake Group’s focus on disclosure and the restoration of academic integrity.

#### ACKNOWLEDGEMENTS

My appreciation and thanks go to all those who contributed to the development of this Sequel. Again, Jim Duderstadt provided encouragement, valuable insights, and a thoughtful Foreword, as did Jon Ericson along with his focusing Afterword. Leaders of the faculty-driven reform movement, Linda Bensel-Meyers, David Ridpath, and Carol Simpson Stern, were particularly helpful as well as encouraging. Special thanks go to Scott Adler, Frank Barnes, Martin Bickman, and Carl Wieman – all faculty members at the University of Colorado-Boulder – and to Adam Schragger of Denver *9news* and Clint Talbott of the *Daily Camera*, as well as to Wayne Duke, Clara Lovett, Sr. Ruth Schiffler B.V.M., Frs. Phil Hensler, Ted Hesburgh C.S.C., George Hunt, S.J., Jim Loughren, S.J., and John Milton, C.S.V., for their perspectives and help. The *Indy Stars*’s Mark Alesia, the *Wall Street Journal*’s Stefan Fatsis, and the *Daily Herald*’s Mike Imren, as well as authors Kevin Braig, Bob Gilbert, Allen Sack, Matt Salzwedel, Murray Sperber and Andy Zimbalist were most helpful with background information and insights on college sports. Dick Becker, Dave Carney, Dick Carsello, Orrie Colby, Stan Cook, Jim Errington, Tom & Louise Gitter, Sarah Gitter, Joe Hafenschler, Bob Janowiak, Mike Janowiak, Don & Nancy Jaycox, Barbara & Tom Kummerer, John Prados, George Rassas, Kevin Rassas, Bill Reddy, Kathy Ricker, Rick Rothstein, Matt Splitt, Ross Splitt, Tom Splitt, Walter Splitt, Arthur Welby, Bruce Wessels, Anne Zamzow, and Tom Zamzow were most encouraging and helpful with media research and/or thoughtful comments. John Jacobs, Jim & Kay Vaughan, and Carol Tucker again did yeoman service, researching related press stories and proof reading. John Borovicka, Ira Cohen, Leslie Combs, Adam Freed, Amy Friedrich, Kimberly Glazier, and Dena Morris were especially helpful with communications with members of Congress and with the Department of Education. Also, special thanks to *The Daily Camera* and *The Rocky Mountain News* for permission to incorporate published items as appendices, and to the many unnamed others who so strongly supported this work. Finally, thanks again to my wife Judy for all of her help, but especially for her patience and understanding during the twelve years of my retirement.

## AFTERWORD

### *When the Commonplace is Instructive*

As Frank Splitt concludes, it is commonplace that the public does not care about the corruption in college sports. Nor, embarrassingly, do faculty. Nearly a century of failed reform documents the indifference. Failure can also be instructive.

Instruction 1: Focus not on reforming college sports but on restoring academic integrity in college sports. The public, or at least the faculty might care about that.

Reviews of former President Reagan's career credit part of his success to focusing on one big issue at a time such as his proposed tax cut when he was elected as contrasted with former President Carter's decision to send multi-proposals to Congress. The results are instructive.

Accompanying the news of President Reagan's death were reports that Maytag Corporation was in trouble. For years, Maytag had a winner. The company focused on MAYTAG appliances, specifically, washers, dryers, and refrigerators. As one analyst said: "Then they picked up Amana, Hoover, Jenn-Air, Magic Chef and Admiral. Maytag is in trouble." Maytag's experience is instructive.

Instruction 2: Focus not on a multi-point list of proposals to address the corruption in college sports, but on one key idea. Problem-Solving 101 suggests the one big idea should be exposing the lie that is the basis for the academic corruption in college sports:

[Bob] LEY [on ESPN's "Outside the Lines"] – Well Tom [McMillen, former Knight Commission member], you brought up the issue of academic integrity. I'm going to bring in a piece of tape with Jon Ericson of the reform minded Drake Group; what he calls the big lie having to do with college athletics.

ERICSON – It is that you can take an under-prepared student [who] does not have the skills to do academic work in higher education, then, take that student, give him a job 30 hours a week where he will be tired when he does come to class -- he's also excused for maybe seven -- maybe eight or nine classes and expect him to acquire anything close to what we would call a university education.

LEY – Is that true?

MCMILLEN – It's absolutely true.

*Absolutely true?* It is commonplace. As co-chair of the Knight Commission William Friday said: "What has happened with grades and courses seriously threatens the integrity of the institution. The university cannot tolerate these practices."

But presidents, faculty, and Boards of Governance do tolerate these practices. Not only tolerate them, they cover them up.

Frank Keating, former Oklahoma governor, in his resignation from the national lay review board studying the clergy sex abuse crisis, said: "To suppress the names of offending clerics, to deny, to obfuscate, to explain away, that is the model of a criminal organization, not my church."

For those who wish to restore academic integrity in college sports, Mr. Keating's comments are instructive. Until the lie that is protected by the closed society of higher education is exposed, efforts to reform college sports will continue to fail. As Professor Splitt makes clear: No disclosure, no reform.

#### ***Jon Ericson***

Former Provost and  
Ellis & Nelle Levitt Professor Emeritus  
Drake University

*Mr. Ericson was a founder of The Drake Group and is a co-author (with Matthew Salzwedel) of the Wisconsin Law Review article, "Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics," [57].*

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## AUTHOR BIOGRAPHY

Frank G. Splitt received a BSEE from the Fournier Institute of Technology in 1952 and an MS and Ph.D. in Electrical and Computer Engineering from Northwestern University in 1957 and 1963, respectively. He is the McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. As a Director of the International Engineering Consortium, he chaired the Consortium's Committee on the Future and currently chairs its Fellow Awards Committee. He was also a member of the inaugural Accreditation Board for Engineering and Technology (ABET) Industry Advisory Council, the Institute of Electrical and Electronic Engineers (IEEE) Educational Activities Board, and a member of the IEEE Corporate Recognitions Committee. His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs. He is a Fellow of the International Engineering Consortium, a Life Fellow of the Institute of Electrical and Electronic Engineers, and an Eminent Engineer of Tau Beta Pi. His interests involve research and planning for the future of Engineering Education and environmental conservation. He and his wife Judy reside in Mt. Prospect, Illinois and in Star Lake, Wisconsin.

## **APPENDIX I – 'University' label no longer applies: CU's an appendage to the athletic department**

By Carl Wieman

*The Daily Camera*  
February 8, 2004

Recent events should encourage the citizens of Colorado to reflect on the condition and purpose of their "flagship" institution of higher education. The University of Colorado is facing tremendous difficulties and many critical issues. State support has been dropping precipitously, budgets are being slashed, and the state government has set limits on tuition and spending that constrain the ability of the university to respond to these cuts. The Law School faces loss of accreditation because of its dilapidated building; the replacement of which has been repeatedly delayed by the reversals of the Colorado Commission on Higher Education and the Legislature.

The very survival of CU as a public university is being threatened by the constraints imposed by the TABOR amendment and other mandated requirements on state revenues and spending. So in this time of crisis, how are our regents and top administrators spending their time? This is remarkably easy to find out. One only need look at the front page of the newspaper every morning to get full coverage of their activities. They are (again) devoting all of their time and efforts to defusing the latest embarrassing incident coming out of the football program. Every day we see the president, chancellor, provost and regents holding press conferences, speaking with countless reporters, meeting with legislators and the governor, all in an effort to deal with this issue.

Meanwhile, the other problems facing the university are neglected. However, I do not see this choice of priorities as an indication of their personal flaws. The current group of regents and high-level administrators may well be the best we have had during my 20 years at CU. Their response is exactly the same as what we have seen with other administrators many times in the past and tells us not about them, but rather the true nature of what we have become as an institution. I would say that it indicates how corrupt our values as a university have become, except that I am not sure we can claim any longer to be a "university." An "academic appendage to the football program" would seem to be a more honest description.

The actual details of the latest scandal and the validity of the charges and counter-charges are not particularly relevant in this regard. What is relevant is that over the past few decades, there have been a steady series of incidents involving the football program that have received large amounts of publicity and brought embarrassment to the university. Each time they occupy the leaders of the university to the near-exclusion of everything else. If the athletic program were subsidiary to the university, rather than vice-versa, it would be run in a much different fashion. Any incident bringing bad publicity to the university would result in the people in charge in the athletic department being quickly replaced for being deficient in an essential aspect of their jobs. Meanwhile, the leading CU administrators would continue to focus on the health and well-being of the university as an educational institution.

Sadly, in the latest response and in the actions of prior administrations, there is not even the pretense that athletics should play such a subsidiary role. I happened to work with a former CU president during two brief periods that coincided with the replacement of the chancellor of the Boulder campus and the replacement of a football coach. The president devoted enormously more attention and effort to the latter. During both processes, the president was in regular consultation with the regents, and neither the president nor the regents ever gave any indication that they might have the slightest doubts as to the appropriateness of these priorities.

It may be unrealistic to hope that we can ever return to being a university first and an athletic program second. However, the citizens of Colorado should ask themselves if this really is what they want in the lead institution charged with educating their children and future employees.

The views expressed above are those of the author and (unfortunately) not necessarily those of the University of Colorado.

*Carl Wieman, 2001 Nobel Laureate in Physics, is distinguished professor of physics at the University of Colorado.*

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## **APPENDIX II – Panel's endorsement of faculty plan a recognition of lingering problems**

By E. Scott Adler, Elizabeth Bradley and Theodore P. Snow

Rocky Mountain News  
May 22, 2004

The faculty at the University of Colorado at Boulder recognizes that intercollegiate athletics and the student-athletes who participate in them play an important and beneficial role in a vibrant educational community. But for an athletic program to support and complement the university's academic mission, its culture and structure must fit into the educational purpose of the institution.

The Boulder Faculty Assembly has long been concerned that athletics at CU (and many other universities) has drifted away from this central principle. With this in mind, the BFA undertook its own examination of the university's Department of Intercollegiate Athletics.

The Independent Investigative Commission, empowered by the Board of Regents to examine the football program's recruiting practices, reached the same conclusion as the BFA report: The operations and governance of CU athletics require profound restructuring. Better yet, the commission specifically adopted a number of BFA proposals that we believe will provide the basis for much-needed reform.

For years BFA has been concerned that the athletic department does not operate within the campus organizational structure. For instance, the athletics budget does not undergo the same oversight and procedures as every other unit on campus. Additionally, there have been a number of instances in which the actions of athletics administrators, coaches and sometimes even student-athletes have demonstrated that the athletic department does not always share the academic values and goals of the rest of the university. For example, coaches at times have recruited athletes who have little interest in the educational opportunities at CU and leave the university as soon their playing eligibility ceases or other athletic opportunities present themselves. This often occurs mid-semester and is not limited just to football. Coaches in the past have also approved competition during the final exam period. These problems foster a disconnection between academics and athletics and, as a result, the whole university -- and particularly the students -- suffers. The faculty's reform plan focuses on four main areas of concern:

- Ensuring the well-being of our student-athletes.
- Guaranteeing that student-athletes are given the same opportunities to succeed academically as any other CU student.
- Clarifying institutional control and accountability by integrating the athletic department into the campus organizational structure, and
- Increasing faculty involvement in planning and policy-making for academic matters in the athletic department.

The BFA report also dispels broadly held misperceptions about athletics. For example, not only does the athletic department not make a profit for the university, it consistently drains millions of dollars annually from the university's general funds and student fees.

The investigative commission's core set of recommendations was that CU adopt nearly all of the proposals in the BFA report. The faculty's proposed changes would alleviate concerns that CU athletics has become too autonomous by requiring the athletic department report to the university provost, the chief academic officer on campus. If implemented, the reforms will return athletics to its proper place as a component of the educational process, not an end unto itself. The reforms that we propose will also serve as a model for other universities, many of which face similar challenges and currently look to us for guidance.

The Boulder faculty supports its students, including its student-athletes, and places their welfare and education above all other considerations. But the point that must not be lost in the current debate over the future of CU athletics is that student-athletes are first and foremost students. When we propose that coaches be held accountable for the academic performance of their student-athletes, it is not for the sole purpose of penalizing individuals. Rather, our objective is to compel coaches and athletic administrators to recognize that education is the reason student-athletes are at CU, and educational activities must take precedence over athletic competition.

We are aware of concerns that our proposals, if implemented, might cause the competitiveness of some of our teams to suffer. However, we strongly believe it is possible to remain highly competitive in the Big 12 and nationally even under the proposed reforms. Several of our academic reforms are also being adopted by the NCAA and will be applied to every university. In time, as procedures are implemented and refined, and as our reputation recovers from the recent negative publicity, CU's attractiveness to athletes as a university that offers a well-rounded education will increase and we should regain any temporary loss of competitive ability. CU will eventually be able to recruit the top scholar athletes specifically because of its academic integrity and quality and leadership in a new approach to intercollegiate athletics.

The Boulder faculty recognizes that many factors contributed to today's state of affairs on campus. There are serious issues that must be addressed beyond athletics reform in order for our campus to repair its reputation and move forward. These issues include strengthening our academic programs; addressing the problems caused by alcohol abuse; and ensuring a safe, secure and respectful campus environment, as well as larger issues of financing and economic security.

Our reform proposals are the first step in addressing the many issues we face.

It is time that the administration and regents implement the reforms called for in the BFA and commission reports, as endorsed by special athletics liaison John DiBiaggio. The faculty are committed to the Boulder campus, and pledge our full participation in shaping the future of the University of Colorado at Boulder.

*E. Scott Adler is associate professor of political science at the University of Colorado at Boulder and chair of the Boulder Faculty Assembly's Committee on Athletics Reform. Elizabeth Bradley, professor and chair of CU's department of computer science, and Theodore P. Snow, professor of astrophysical and planetary sciences, are also members of the committee.*

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*"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 [7].*

***The views expressed above are those of the author and not necessarily those of Northwestern University***

**McCormick School of Engineering and Applied Science**  
Northwestern University  
Evanston, Illinois, 60208- 3100

E-mail: [fgsplitt@ece.northwestern.edu](mailto:fgsplitt@ece.northwestern.edu)

URL: [www.ece.northwestern.edu/EXTERNAL/Splitt/](http://www.ece.northwestern.edu/EXTERNAL/Splitt/)

# **ESSAYS & COMMENTARIES ON COLLEGE SPORTS REFORM**

October 2004 – December 2005

Dr. Frank G. Splitt

***FutureVectors, Inc.***  
Mount Prospect, Illinois

*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.*

*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.*

# ESSAYS & COMMENTARIES ON COLLEGE SPORTS REFORM

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## 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.

Frank G. Splitt  
McCormick Faculty Fellow  
of Telecommunications  
Robert R. McCormick School  
of Engineering and Applied Science  
Northwestern University  
Evanston, Ill.

## 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 of 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/](http://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 policies 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.

Office of Rep. Janice D. Schakowsky  
1027 Longworth H.O.B.  
Washington, DC 20515

## 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 its 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 16, 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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## 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/pbcs.dll/article?AID=/20050611/SPORTS/506110469/1004/SPORTS](http://www.indystar.com/apps/pbcs.dll/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-right," 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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### ***Chicago Tribune***

## LETTERS

Published September 11, 2005

### **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

# **THE WALL STREET JOURNAL**

## **LETTERS TO THE EDITOR**

Wednesday, October 5, 2005, A21

### 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.

**Frank G. Splitt**  
*McCormick Faculty Fellow*  
*Northwestern University*  
*Evanston, Ill.*



## 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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**Frank G. Splitt** is a member of the Drake Group, <http://www.thedrakegroup.org/>, and a former Faculty Fellow at Northwestern University's McCormick School of Engineering and Applied Science. He is the author of *Reclaiming Academic Primacy in Higher Education*, and *The Faculty- Driven Movement to Reform Big-Time College Sports*.

**A CollegeAthleticsClips.Com Guest Commentary** – There seems to have been some shenanigans going on in the untimely and unceremonious dismissal of Drake Group member Frank Splitt from his title as Faculty Fellow at Northwestern University. Mr. Splitt takes up his own defense in asking a series of probing questions about the motivations and timing of the removal of his title.

Posted 5 December '05

## **A Statement on Academic Retaliation**

*From the Clips Editor: The Drake Group's 23 October 05, press release concerning apparent retaliation by Northwestern University against Dr. Frank Splitt, was posted 24 October 05 on Clips. In response to my inquiry about the release, Mr. Chuck Loebbaka, Director of Media Relations, provided me with the following statement from the university:*

*"The title "Faculty Fellow" was held uniquely at Northwestern by Splitt. No one else in the entire University is so labeled. Though the title implied a kind of faculty status, "Faculty Fellow" was not an established faculty rank or position; and appointment as "Faculty Fellow" did not include review as is customary when academic appointments are made. The title was created and assigned to Splitt by a former dean of Engineering, without consultation with the Provost. The engineering school has been informed that the rank/position "Faculty Fellow" does not exist at the University and that individuals should not so identify themselves."*

*I asked Mr. Loebbaka: What was the justification for this action and why now after 12 years? – only to be referred back to the university statement. Since further inquiries produced no replies over the past month, I asked Dr. Splitt if he would be willing to provide Clip's readers with a statement. His statement follows.*

*By Frank G. Splitt*

**Preface.** The Oct. 23, 2005, press release by The Drake Group, "The Drake Group Concerned Over Apparent Northwestern University Fumble," covered suspected academic retaliation at Northwestern University. The situation can now be summarized as follows: My 1993 appointment as a McCormick Faculty Fellow was summarily invalidated after the publication of "Who wants to tackle biggest man on campus?" in the Oct. 5, issue of The Wall Street Journal.

This act of academic retaliation provides a salient example of the stranglehold the college-sports entertainment business has on America's institutions of higher education. This statement shows how this could take place at a prestigious university. It also calls on the media to throw light on the affair and so help The Drake Group, the Alliance for Sports Reform and other reform-minded organizations, in their efforts to restore academic and financial integrity in our institutions of higher learning.

**Introduction.** Recent columns by Skip Rozin of *The Wall Street Journal* [1] and Selena Roberts of *The New York Times* [2] provide valuable insights and background for this statement. In fact, the opening line of Robert's column can serve as a prelude – helping to set the stage for what follows: "It is worth a take-home exam to discover how the brains behind higher education have lost their minds in the pursuit of football superiority."

Over the years, several members of The Drake Group and the Alliance for Sports Reform have found that, all too often, secrecy, deceit, and deception, are hallmarks of the business of college-sports entertainment where hypocrisy, intimidation, and retaliation are the tools of the trade. My research and experience, as well as that of my colleagues, indicates that it is a business where ethics, civility, shame, and truth telling are not to be expected [3-7].

Robert's piece and this statement should be read with the knowledge that U Texas Professor Steve Weinberg, the focus of Robert's article, is a 'fire-proof' Nobel Laureate as is U Colorado Professor Carl Wieman, who wrote a scathing Op-ed upon revelation of the scandals that resulted in the 2004 resignation of U Colorado President Elizabeth Hoffman and, coincidentally, occurred during the reign of former NU football coach, Mr. Gary Barnett [8].

As will become evident in the following, the circumstances surrounding this retaliatory action raise a number of deep questions that are of more than casual interest. In fact they provide insights into: how the athletic tail can wag the academic dog, how power and money corrupt and absolute power and big money corrupt absolutely, and how telling the truth about the negative impact of college sports on higher education can have dire consequences – even at NU.

**Background.** Shortly after my retirement from Northern Telecom as Vice President Emeritus of Educational and Environmental Initiatives, the late Jerome Cohen, then Dean of NU's McCormick School of Engineering and Applied Science, invited me to accept an appointment to a special non-tenured, non-salaried, McCormick Faculty Fellow position for a three-year period starting Sept. 1, 1993 – saying he looked forward to welcoming me to the McCormick faculty ranks. This appointment was made with the full knowledge of then President Arnold Weber. Also, it was well publicized, reviewed, and renewed by Dean Cohen and his successor Dean John Birge, with the last renewal extending through Dec. 31, 2005.

Just three days after publication of my letter in *The Wall Street Journal* [9], I received a verbal message from the Dean of the McCormick School. The next message from the Dean came a few days later advising me that he was getting a lot static from the University Media Office and, more importantly, the Provost's Office about my title as McCormick Faculty Fellow. This message triggered the Oct. 23, press release by The Drake Group [10]. Another message from the Dean echoed the statement issued by the NU Media Office, making it clear that I could not use the title "McCormick Faculty Fellow" or identify myself in any way that implies that I am a member of the Northwestern University faculty.

**A Question of Meaning.** What was the meaning of NU's seemingly ad hoc misrepresentation of my McCormick Faculty Fellow appointment by Dean Cohen? It was apparent that I was being told that the title was illegitimate and therefore meaningless – a preposterous circumstance, leaving the impression that I had been using a title under false premises, casting doubt on my academic credentials, and impugning my reputation in the academic community. To me and many others, this was beyond understanding since, over the years, my name and title appeared in NU faculty-honors publications, in the Congressional Record, in several NU Electrical and Computer Engineering Department newsletters, in prior non-sports-related letters in *The Wall Street Journal*, as well as in numerous professional journals and conference proceedings.

**A Question of Motivation.** What motivated the Provost to state that the McCormick Faculty Fellow title does not exist at Northwestern University after nearly twelve years of well-documented and unquestioned use? And, why would the Provost take his valuable time to pressure for an immediate invalidation of my appointment under the guise of a contrived rationale? These questions are indeed perplexing since this seemingly urgent action occurred only some two months prior to the terminal date of my last three-year appointment.

Since there was no rational explanation given by NU to justify this radical, punishment-like action, consideration was given to the possibility that it was a vindictive act of retaliation. But how could something so unethical and unprofessional happen at NU? What could motivate the Provost to do such a thing; and, how could the President allow him to do it? The apparent answer is fear ... fear instilled by an influential power greater than they. But what could motivate someone to use their power to initiate actions resulting in the swift, premature invalidation of my appointment and title?

This question focused attention on the motivation for the action. The Provost would normally have much more important academic affairs to worry about than my athletics-related letter. So, pressure capable of motivating the Provost must have evolved from elsewhere — most likely from fervent sports-booster alumni who have been major contributors to NU's Campaign for Athletic Excellence such as, for example, the chairman of the NU Board of Trustees [11, 12]. Given the evident high priority on gaining football superiority at NU, powerful boosters would not be pleased with what might be perceived as something negative being said about big-time college sports in a widely-read newspaper — least of all from someone affiliated with NU.

**A Question of Ethics.** Questioning the assumption that a prestigious university such as NU always operates with integrity and in compliance with the highest of ethical standards led to a Department of Justice announcement that NU will pay the US \$5.5 million to settle allegations that it violated the False Claims Act [13] and revelation of unethical conduct in the *Chicago Tribune* story that reported NU was forced to reveal that one of its doctors had burned records in the Rashidi Wheeler wrongful-death case [14].

**Summary.** The short time between the publication of my letter and the messages from the Dean, coupled with credible motivation and evidence of recent unethical activity, provides convincing circumstantial evidence of a retaliatory act. Other connected 'dots' are:

First, there are few, if any, university administrations that would run the risk of losing the favor and financial support of very wealthy benefactors ... especially benefactors who are also members of their governing board. The wishes of such benefactors are tantamount to commands. Put another way, these benefactors have tremendous 'clout' and can strike an unmistakably clear tone for a university administration.

Second, the evident aim of NU's administration over the past decade has been to move NU higher in the ranks of college sports. The Board of Trustees was well positioned to influence the administration and the chairman's influence was likely powerful enough to create an environment wherein the administration and board came to understand that the NU sports program was a very high priority on his personal agenda and ought to be on theirs as well. The swift retaliatory action is considered to be an example of this understanding — revealing a surprising athletics-over-academics mindset

Third, not a Nobel Laureate and without tenure, my position as a McCormick Faculty Fellow must have been considered expendable and easy to invalidate.

**Concluding Remarks.** Compelling circumstantial evidence leads me to believe that the NU Provost was 'motivated' to invalidate the McCormick Faculty Fellow position so that it could no longer be used to advocate for disclosure and other reform mechanisms in college sports, especially in widely-read newspapers such as *The Wall Street Journal*. In the end, it is not important to know who or what was responsible for motivating the Provost, only that such motivation existed beyond a reasonable doubt.

This affair is haunted by a myriad of questions to which we may never know the answers — unless and until the right questions are asked of the right people. However, my experience suggests that intimidation and fear of retaliation will all but guarantee the silence of present and former NU faculty members, administrators, and others, who were in a position to know about the deceit and deception employed in the retaliation. If asked, all can be expected to follow an 'admit-to-no-knowledge-or-wrongdoing' strategy that has been successfully employed in the corporate world. Nonetheless, the media is still in the best position to ask hard questions. No responses and no comments will speak volumes.

It should be evident from this statement that NU's retaliatory action is a significant event in the history of college-sports reform. However, reporters and their editors may not understand its significance, seeing the premature loss of a title as a trivial incident — a mere loose thread in the fabric of college sports. On the other hand, an attentive press can pull on the thread to unravel a story about the stranglehold the college-sports entertainment business has on America's institutions of higher education.

Finally, the media can throw light on this odious retaliation affair, and by so doing, initiate a breakthrough in college-sports reform — helping The Drake Group and the Alliance for Sports Reform restore academic and financial integrity in our institutions of higher learning. As Supreme Court Justice Louis Brandeis said: "Sunlight is said to be the best of disinfectants."



**Frank Splitt** is VP Emeritus of Educational and Environmental Initiatives of Northern Telecom. He was appointed as a McCormick Faculty Fellow position at Northwestern University starting Sept. 1, 1993. Through the years, Mr. Splitt has been a tireless advocate for reviving American excellence in engineering and science higher education. He is also a prominent member of the Drake Group, and has been spoken frequently about the over commercialization of big time college athletics.

This commentary was written exclusively for *College Athletics Clips* by Frank Splitt.

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.

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# Sports in America 2005: Facing Up to Global Realities

**CollegeAthleticsClips.Com Guest Commentary**

by Frank G. Splitt

From the Clips Editor: *Once again Frank Splitt – thinker, writer, engineer, educator, advocate – provides a thought-provoking perspective on American sports. If you never heard of a “STEM” before, read on.*

Posted December 21, 2005

*He who knows not that he knows not is a fool; shun him.  
He who knows not and knows that he knows not is a child; teach him.  
He who knows but knows not that he knows is asleep; wake him.  
He who knows and knows that he knows is wise; follow him.  
Ancient Arab Proverb*

**AMERICA’S OBSESSION WITH SPORTS** James Michener provided deep insights into our national obsession with college sports in his 1976 best seller, *Sports in America*. Among other things, Michener said sports are a major factor in American life and in the life of other countries as well – nothing to worry about at the time.

Today, however, America has the most to lose as it confronts new global realities with its continued obsession with sports. Here’s why:

You can ask Americans about big-time college sports and they will be willing to tell you three things: first, it’s great entertainment; second, they know most schools cheat; and third, they don’t want to be bothered with the details of related issues and reform efforts.

For many Americans the most important page in their newspaper is the one carrying the betting line; and, for many wealthy alumni, the target for major contributions is not for academics, but rather for their alma mater’s athletics fund.

**CHINA’S OBSESSION WITH STEMs** According to a Sept. 8, 2005, page-one story, “Inside Pentagon, A Scholar Shapes Views of China,” by Neil King in *The Wall Street Journal*, Beijing sees the U.S. as a military foe.

But why fight the best customer for your textile and manufactured products? And, why would China ever want to fight a military war against the United States rather than waging a less painful and more profitable economic war against an adversary that is not only losing its edge in R&D, but also is preoccupied with fun and games?

In China, which educates approximately one-half of the world’s engineers, engineering education is valued as a preparation for contributions in government, policy, innovation, intellectual property, broad engineering disciplines, and manufacturing. The study of science, technology, engineering, and mathematics (STEMs) is considered to be a patriotic duty — providing a robust pipeline of human resources for R&D.

This will be China’s real army — fighting to dominate the technology-driven, global economy that is both expanding and becoming evermore complex.

**AMERICA VS. CHINA** It seems that only in seemingly complacent America that is governed mostly by lawyers, can we find a general public that views sports as super cool while STEMs are considered to be nerdy and where athletes have a definite edge when it comes to college admission.

Meanwhile in China, its president and every member of its nine-man governing central committee are engineers by profession, as are scores of other leaders – ranging from ministers and governors to CEOs and entrepreneurs.

Also, enormous investments are being made to upgrade its university system, STEM students have a definite edge, and English is becoming big business as the country's growing middle class pays to learn the language of global commerce.

**DESTROYING A PRECIOUS RESOURCE** America's love affair with big-time college-sports entertainment in combination with excessive cynicism, apathy (if not purposeful ignorance), and gambling, has been a recipe for growing commercialization at America's institutions of higher learning.

Excessive commercialization has brought academic corruption, financial shenanigans, increasing expenditures on athletics, and money-focused presidents who view sports programs as an economic necessity and undergraduate education as an expensive nuisance.

Worse yet, greed, fanatic sports fans, an apathetic public and inconsistent government policies allow the commercially driven college-sports enterprise to grow unchecked, all but guaranteeing distracted, booster-beholden university administrators and an expanding set of fun-loving consumers for their entertainment business ... a business that has hijacked the academic mission of many universities.

If all of this is coupled with the rising costs of residential higher education (without corresponding improvements in academics) and improved technology-driven competitive education delivery systems, we are led to the conclusion that America's higher education enterprise is rapidly becoming untenable – unable to survive, just as predicted by Peter Drucker back in 1997.

It is ironic that the government's subsidy of college sports via favorable tax policies is helping to fuel the destruction of what has been one of our nation's most precious resources.

**AMERICA NEEDS TO FACE UP TO GLOBAL REALITIES** The technology-driven, global economy is both expanding and becoming evermore complex. There will be no place in the game for societies that remain clueless — asleep at the switch, not knowing what is at stake, or, preoccupied with other things.

Michener put the reason for the lack of public reaction this way (with reference to injuries and fatalities in high school and college football): "... 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."

Little did Michener know that an obsession with sports in America would help lubricate its slip from its position of global economic and business leadership. But sports aren't the only lubricant.

The drive for incremental (quarter-to-quarter) profit improvements “demanded” by Wall Street has resulted in all too many short-term-thinking CEOs that strive to keep their jobs by pleasing the ‘street.’ Most of these CEOs curtail investment in innovation-breeding incubators and long-term projects – even abandoning R&D and treating engineers as either disposable or outsourceable commodities. Companies require instant gratification and returns on their new engineering hires – on-the-job training, a science and math brain drain, and the future, who really cares?

If the US businesses continue in this mode, R&D will be conducted in labs far from America. Microsoft plans to nearly double its workforce in India over the next four years with Bill Gates, the company’s chairman saying: “The growth in employment for Microsoft will be more in India than the United States.”

Such actions ripple down — reducing the demand for engineers and scientists and STEM students. It is surprising how quickly students perceive change and alter their choice of a major to follow the money. There has been a large fall off of Computer Science students and Electrical and Computer Engineering is also declining. Look for more of America’s young folks to become lawyers and financial persons unless we can develop turnaround strategies and tactics. Unfortunately, it is difficult to abandon tactics that are adding to current profits.

All but forgotten are the sobering words of the January 2001, Hart-Rudman Commission Report: “... the inadequacies of our systems of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine.” America must come to better understand its critical shortcomings and shortsightedness.

**WHAT TO DO?** So, what do we, as a nation, need to be thinking about if we are going to continue as a dominant player on the world stage in the 21st century? Might I first suggest that we need to get priorities right at our nation’s universities. Members of top-ranked BCS football teams and the NCAA’s Final-Four basketball teams will not likely be eligible to play in this global game.

America’s higher education enterprise should be focused on academics not athletics. This means emphasis on learning and research not on commercialized sports entertainment and health-spa-like facilities. We need to think about our universities and STEMs literacy in a global context. These will be the arsenals and ‘tools’ of modern-day economic warfare.

Pentagon strategists need to balance the input from high-cost ‘China scholars’ with a relatively low-cost reading of two best-selling books, Thomas Friedman’s, *The World Is Flat: A Brief History of the Twenty-First Century*, and Jared Diamond’s, *Collapse: How Societies Choose to Fail or Succeed*. Perhaps they will come to understand that we have much to learn from past societies that destroyed themselves by destroying their resource base.

There should not only be concern at the Pentagon, but also at the highest levels of our government — concern that things are moving in a direction where America could very well be a net loser in a modern-day economic war.

**THE GOOD NEWS** A democracy has as one of its fundamental strengths the ability to bring great ideas, innovation and individual initiative, into what could otherwise be a failing system. But democracy is only as strong as the people who are willing to keep it vital and ever evolving. We all need to wake up and rise to the challenge.

**AUTHOR’S NOTE** This commentary is an outgrowth of a ‘brief’ prepared for the April 2005, workshop, “What Does it Mean to be Educated in the 21st Century?,” sponsored by the National Science Foundation (NSF) and hosted by Chancellor Nancy Cantor at Syracuse University. It also reflects my experience working with the International Engineering Consortium and the Electrical and Computer Engineering Department Heads Association on the November 2005, NSF sponsored workshop, “Globalization Effects on ECE Education for the Engineering Profession,” hosted by President William Wulf at the National Academy of Engineering. Portions of the commentary have been posted on *InsideHigherEd.com* and published in THE INTERFACE, the joint newsletter of the IEEE Education Society and the ASEE Electrical and Computer Engineering Division.

*Excessive commercialization has brought academic corruption, financial shenanigans, increasing expenditures on athletics, and money-focused presidents who view sports programs as an economic necessity and undergraduate education as an expensive nuisance.*



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# Are Big-Time College Sports Good for America?

By Frank G. Splitt

*To be successful, one must cheat. Everyone is cheating, and I refuse to cheat.* – Robert Maynard Hutchins, 1939

*It is worth a take-home exam to discover how the brains behind higher education have lost their minds in the pursuit of football superiority.* – Selena Roberts, 2005

**INTRODUCTION** – Like my colleagues in The Drake Group (TDG), I love sports. However, all of us are concerned about the exploitation of big-time (NCAA Div I-A) college sports and athletes by the overly commercialized college-sports entertainment industry to further its financial interests.

Also, we are concerned about the negative impact college sports have on America's system of higher education and on the collective physical and intellectual well being of Americans. Furthermore, as discussed in "Sports in America 2005: Facing Up to Global Realities" [1], we are concerned about the negative impact college sports have on America's prospects as a leader in the 21<sup>st</sup> century's global economy.

The negative impact of college sports on higher education is not a new story. In 1929, the *Chicago Tribune* featured a headline column on the Carnegie Report's indictment of college sports [2]. This report focused on the need for reform based on the negative influence of big-time college sports on higher education – stating that: "(College football) is not a student's game as it once was. It is a highly organized commercial enterprise. The athletes who take part in it have come up through years of training; they are commanded by professional coaches; little if any initiative of ordinary play is left to the player. The great matches are highly profitable enterprises. Sometimes the profits go to finance college sports, sometimes to pay the cost of the sports amphitheater, in some cases the college authorities take a slice for college buildings."

**GALLICO ON SPORTS** – Some seven years after publication of the *Chicago Tribune* story, Paul Gallico gave up a successful sports-writing career with the *New York Daily News* to devote himself to full-time writing. His first book was *Farewell to Sport*, published in 1938 [3]. As the title suggests, it was his farewell to sports writing, but it was much more than a farewell. It illuminated the increasing professionalism in sports during the 1930s, and bemoaned the loss of sport in its original sense. The following 68-year-old Gallico quotes provide additional context for this essay:

*"College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy. ... There are occasionally abortive attempts to turn football into an honest woman, but, to date, the fine old game that interests and entertains literally millions of people has managed to withstand these insidious attacks. ... It is a curious thing that the college to which a boy goes, not only for an education, but for the set of morals, ethics, and ideals with which to carry on in later life, is the first place he learns beyond any question of doubt that you can get away with murder if you don't get caught at it or if you know the right people when you do get nabbed. His university is playing a dirty, lying game and it doesn't take him long to find out. ... If there is anything good about college football it is the fact that it seems to bring entertainment, distraction, and pleasure to many millions of people. But the price, the sacrifice to decency, I maintain is too high."*

Robert Maynard Hutchins, President of the University of Chicago and a contemporary of Gallico, deplored undue emphasis on nonacademic pursuits. Guided by his personal beliefs and, perhaps, triggered by Gallico's remarks, he abolished football at the University of Chicago in 1939. When asked why he did this he replied with the simple statement given in the header to this essay. As former Tufts University Provost Sol Gittleman opined "A Robert Hutchins comes only once in a lifetime" [4].

**GERDY ON SPORTS** – In his 2002 book, *SPORTS – The All-American Addiction* [5], John Gerdy argues that our society's huge investment in organized sports is unjustified, claiming that ardent boosters say that sports embody the "American Way" – developing winners by teaching lessons in sportsmanship, teamwork, and discipline.

I concur with Gerdy's claims that America's obsession with modern sports is eroding American life and undermining traditional American values essential to the well-being of the nation and its people – allowing Americans to escape problems and ignore issues as if they were drug addicts [1].

Gerdy asks tough questions. Have sports lost their relevance? Is it just mindless entertainment? Is our enormous investment in sports as educational tools appropriate for a nation that needs graduates to compete in the information-based, global economy of the twenty-first century? Do organized sports continue to promote positive ideals? Or, do sports, in the age of television, corporate skyboxes, and sneaker deals, represent something far different?

**MINOW ON TELEVISION** – Then Federal Communications Commission Chairman Newton Minow's, "Vast Wasteland," speech to the National Association of Broadcasters was still newsworthy in 2001[6]. Likely it would have been far beyond Minow's imagination to think his speech would ring truer in 2006 than it did in 1961. Television can rightfully claim credit for providing an ocean of money that has corrupted academic integrity and values. It can also be credited for the transformation of America from a nation of sports participants to a nation of sports spectators along the way – robbing sports of its most direct and vital benefit, that of improving the health of our nation's citizens [5, Chapter 6].

**THE NCAA AND BRAND ON REFORM** – To begin, college sports are big business [7, 8], and the NCAA is not in the business of reform. The NCAA is in the business of staying in business as the franchiser of professional-caliber, big-time college-sports programs for its member school franchisees. Together with the schools, the NCAA exploits college athletes while making huge amounts of tax-exempt money under the guise of an institution of higher education. In effect, the government subsidized NCAA manages minor league teams for the NFL and the NBA – supplying a stream of professional-level athletes for their respective drafts.

The NCAA's strategy to stay in business is to maintain the illusion that they are an institution of higher education, that college athletes are really students on a legitimate degree-seeking track, and that it is capable of instituting requisite reforms without government intervention and a consequent loss of its tax-exempt status.

Hiring Myles Brand was a key tactic – providing him with a total annual compensation in the order of \$1 million to allow him to live large along with the NCAA's top brass while he gives the NCAA an academic front. Brand was not empowered by the NCAA to initiate serious reform, i.e., to emulate Judge Kenesaw Mountain Landis, baseball's first commissioner who was able to take firm control of major league baseball when its integrity was in question. Simply stated, the NCAA would never allow Brand to accomplish serious reform.

Other NCAA anti-reform tactics are to co-opt external reform efforts by "working together," to provide weak rules enforcement, and to shroud its nefarious conduct in a veil of secrecy – protected by the Buckley Amendment to the Family Educational Rights and Privacy Act – operating as the least transparent business in America.

**CONCERNS AND A CONCLUSION** – So what's to be concerned about in present-day college sports? A composite list of concerns is provided in the Appendix. These concerns come from Gerdy, Bruce Svare, President of the National Institute for Sports Reform, Jim Duderstadt, President Emeritus of the University of Michigan, and the author.

The length and gravity of the listed concerns do not portray a pretty picture. The list, coupled with arguments made by Gerdy [5] and Svare in the first chapter of his book, *Crisis on Our Playing Fields* [9], as well as by Duderstadt, in the foreword to the essay, "The Faculty-Driven Movement to reform college Sports" [10] and Splitt [1, 11], lead to an obvious conclusion: Big-time college sports, as they exist today, compromise the educational, economic, and physical, well-being of our nation and are no longer good for America. Simply put, they are an anachronism. Not only that, they have also contributed to an imminent crisis in America that goes well beyond its playing fields [1].

*Big-time college sports, as they exist today, compromise the educational, economic, and physical, well-being of our nation and are no longer good for America. Simply put, they are an anachronism*

**A BLEAK SITUATION** – The key facts are these: there is no one charged with anything resembling responsibility for controlling the wretched excesses of big-time college sports; the NCAA has become expert at

resisting true reform and co-opting would-be, well-intentioned reform initiatives; few, if any, college presidents can buck the system today and expect to keep their jobs; faculty members, even though protected by tenure, have little chance of making any real impact internally; and sadly, high school sports are becoming just as corroded as they are at the college and professional levels [12]. Also, if a school with a big-time athletics program should decide to cut it back, it would be faced with the almost impossible job of replacing the revenues to service the large debt on its athletics facilities; not every school has billionaire boosters that can donate \$165 million to its athletics fund or provide major gifts for athletic facilities [13, 14].

This is a bleak situation indeed – prompting one of the reviewers of this essay to comment that it brought to mind the near-impossible predicaments the British created over time by importing Protestants to Northern Ireland in the 17th century and by carving up the Ottoman Empire after World War I to form, among other things, Iraq. Some even say this is a lost cause.

**WHAT CAN BE DONE?** – The obvious question is: What, if anything, can be done? Is it possible to restructure organized competitive sports to make them good for America? I believe that the answer is yes. However, as painful as it may be, it appears government intervention is now the only way to bring about requisite reform.

One way the government could intervene to clean up big-time college sports is to employ the quid pro quo (no reform-no tax exemption) strategy outlined in "What Congress Can Do About the Mess in College Sports" [15]. Implementation of this strategy would help bring about academic and financial disclosure and the restoration of academic and financial integrity in America's institutions of higher learning. Failure to implement and comply with congressionally-stipulated corrective measures over a reasonable amount of time would 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 the reform measures, or, retaliation against whistleblowers, would garner penalties of such severity as to make the risk of noncompliance not even worth thinking about. However, since schools would still be saddled with the burdens and temptations associated with the college-sports entertainment business, even more radical approaches may prove to be necessary in the light of new global realities.

These approaches would involve divestiture – the elimination of professional-level sports from America's education system. This would not only put a long overdue end to the NCAA's contrived façade of 'amateurism' but also release the stranglehold the college-sports entertainment business has on our institutions of higher learning. The approaches would involve the development of professional minor league football and basketball leagues modeled after the European and Australian club sports system as advocated by Svare [16] and Gerdy [5]. Alternatively, the government could consider the establishment of Age Group Professional Leagues along the lines proposed by Rick Telander [17].

**OUTLOOK** – It is to be expected that those who benefit from a continuation of the status quo will continue to resist reforms that pose a threat to their tax-exempt status – railing and retaliating against individuals and organizations that tell the brutal truth about big-time college sports.

Also, if and when, Congressional hearings are called to investigate this blight on America's system of higher education, fierce opposition will be mounted. Resistance will no doubt take the form of a well-organized, well-funded, lobbying and public-relations campaign orchestrated by the NCAA – bringing to bear its financial power and its friends in the media as well as in federal and state governments. In other words, the NCAA would be in a fight for its life using all of its awesome financial and political resources to protect its money making machine.

There will certainly be screams to keep the government out of college sports with claims of grandstanding and posturing by members of Congress. – forgetting that it is the government that is subsidizing the growth of the big-time college-sports entertainment business in the first place.

Hopefully, enlightened legislators will see that America can no longer afford to have its educational system, the health of its citizens, and its place in the global economy, undermined by professional-level college sports programs; and, then go on to see the connection between college-sports reform and the National Academies' recommendations set forth in their report, *Rising Above the Gathering Storm* [18]. Subsidizing institutions of higher education so they can serve as centers for public entertainment is not a smart thing to do in today's world.

**CONCLUDING REMARKS** – Big-time college-sports entertainment is embedded in America's culture. The NCAA, with its ability to control the money game and thwart reform, coupled with its ability to exploit America's love affair with sports and its high tolerance for misbehavior by its heroes, has helped bring about a horrific mess in big-time, college sports ... a mess characterized by seemingly unrestrained growth in spending with a corresponding desperate need by 'hooked' schools for additional revenues.

The wealth and health of America and its citizens are at risk. Based upon the magnitude of the problems and the high stakes involved, it would seem obvious that government intervention is in our national interest. We can no longer afford the luxury of muddling along with a handicap – engaging in distracting, resource-draining activities that divert our attention from new global realities [1].

Likewise, reform cannot be deterred by naysayers who would either discount the threat or label reform efforts as an exercise in futility. To succumb to this negativism and do nothing would all but ensure the eventual decline of America's position on the world stage.

There appears to be no option but to respond with resolute intensity, resources, and vigor. Will it happen? Unfortunately, not immediately; perhaps it may never happen at all. There are no guarantees, but we must at least begin. So what is the Congress waiting for?

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## APPENDIX – CONCERNS RE: PRESENT-DAY, BIG TIME COLLEGE SPORTS

**Commercialism.** Professional-level, college-sports entertainment is big business with increasing commercialization that undermining the academic integrity and educational values at America's institutions of higher learning.

**Corruption.** Academic corruption is pervasive in our public schools and in institutions of higher learning that house big-time sports programs.

**Costs.** Costs are rising – reflecting an 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.

**Culture.** America has developed an athletic culture that is anti-intellectual and systematically creates "dumb jocks." Sports loving parents, many of whom are well intentioned but not sufficiently armed with important information, may not be aware of the threat posed to their children by America's runaway sports culture and its win-at-any-cost mentality.

**Drugs.** The utilization of supplements and performance enhancing drugs is pervasive and has been fueled by a culture of winning at any cost. Congressional focus on the use of drugs by professional, rather than the relatively larger and more vulnerable high school and college athletes, indicates an apparent lack of awareness of the problem.

**Faculty.** 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. Both faculty groups fear retaliation for speaking out against pro-sports school policy.

**Governance.** Existing sports governing bodies, youth and amateur organizations, and educational institutions have done a poor job of protecting the health and welfare of athletes who are increasingly abused and exploited by our present sports culture. See also *Faculty, Governing Boards, Knight Commission, NCAA, Presidents, and Oversight*.

**Governing Boards.** Members of university and college governing boards (trustees and regents) are often wealthy, influential boosters with predominant interest in athletics rather than academics.

**Health.** Sports injuries and other health related issues are increasing for almost all levels of athletics and seem to be tolerated by the public as a price that must be paid for their entertainment, consequently, not enough is being done to prevent such injuries. Also, a greater number of spectators are idly watching the few elite athletes compete which satisfies the needs of small groups of athletes, is the dominant theme in our sports culture while recreational and fitness-based sports, which satisfies the needs of the vast majority, have been de-emphasized – a significant long-term negative impact on public health is as certain as it is predictable.

**Knight Commission.** The Commission has abandoned its "watchdog" mission and is far removed from its origins as it now helps to perpetuate the status quo. 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.

**Media.** The media often seems reluctant to cover college-sports related issues that impact America and public policy – apparently deeming these issues too provocative to attract and maintain readers or offensive to advertisers and potential job-killers for their sportswriters. At times the media acts irresponsibly as well as unethically in the manner in which it overexposes, glamorizes and hypes the lives of young athletes and popularizes their misbehavior both on and off the field. The printing of point-spread information facilitates gambling and threatens to undermine the integrity of sports.

**NCAA.** The NCAA has become expert at resisting reform – undermining the Knight Commission, the Association of Governing Boards, and apparently the Coalition for Intercollegiate Athletics, while advocating for more commercialism in college sports, touting its unworkable reform initiative based on its Academic Progress Rate, and denouncing TDG and its serious reform proposals as radical Intercollegiate Athletics, while advocating for more commercialism in college sports, touting its unworkable reform initiative based on its Academic Progress Rate, and denouncing TDG and its serious reform proposals as radical..

**Oversight.** The NCAA's successful co-option of the Knight Commission means there is nobody responsible for the oversight of college sports. The NCAA cartel is in a position where it can literally do as it pleases.

**Policy.** The government continues to provide generous (and questionable) tax policies that fuel further commercialization of college sports, while both the government and higher education alike continue to treat intercollegiate athletics as a special case, shielding coaches from the personnel and conflict of interest policies governing other university staff, ignoring the all-too-frequent misbehavior of college athletes.

**Presidents.** Presidents cannot stand up to lead an effort to change the status quo in any meaningful way without risking termination driven by a storm of protest about economic impact and assorted tradition-based arguments by influential 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.

**Society.** Sports opportunities are shifting dramatically – producing severe inequities and lost opportunity costs in many segments of our society. Tremendous sums of money vanish to college athletic programs. In professional sports, the money goes to wealthy owners, millionaire players, and coaches. All the while, bridges, inner cities, and schools are crumbling.

**Sportsmanship.** Declining sportsmanship, elevated violence and the general misbehavior of athletes, coaches, parents, and fans not only pose a serious threat to potential victims, but also threaten to compromise the essence of athletic competition.

**Violence.** There is an apparent lack of concern and 'blame the victim' mentality with regard to violence by college athletes and the connection of violence to the use of performance enhancing drugs.

**Youth.** Sports have become very serious business and immense pressure is now placed upon the early specialization and professionalization of young athletes. There is intense promotion of athletic achievement for the reward of an athletic scholarship or professional contract. The NCAA recipe for 'success' has not gone unnoticed by America's high schools. High-school sports programs are doomed to follow colleges and universities down the slippery slope to where the athletic tail wags the academic dog.

**AUTHOR'S NOTES** – In large part, this essay is based on notes prepared for use on Bob Gilbert's January 7, 2006, WCBR-Knoxville radio program where I used the quotes from Paul Gallico's *Farewell to Sport* to set the context for my remarks. On a personal note, my thanks to Gilbert for having me as his guest and to John Gerdy, Bruce Svare, and John Prados for their thoughtful comments and suggestions. Also, Gallico's, *Lou Gehrig: Pride of the Yankees*, Grosset & Dunlap, New York, NY, 1942, was a gift from my favorite aunt in 1942. It made an indelible impression on this then 12-year old – casting Gehrig as my boyhood hero. A collage of Gehrig photos hangs above my computer desk – a gift from my daughter's pastor.

The title for this essay was 'inspired' by the January 3 2006, PBS Frontline program, "Is Wal-Mart Good for America?" The program probed Wal-Mart's tendency to rely on products manufactured in China – presenting two starkly contrasting images: one of empty storefronts in Circleville, Ohio; the other, of a sea of high rises in the South China boomtown of Shenzhen. It suggested that Wal-Mart is the connection between significant American job losses and soaring Chinese exports. For Wal-Mart, China has become the cheapest, most reliable production platform in the world, the source of up to \$25 billion in annual imports that help the company deliver low prices and enabling it to beat down competition with its opening "price-break" offerings. This message is closely related to that given in "Sports in America 2005: Facing Up to Global Realities."

*America's higher education enterprise should be focused on academics not athletics. This means emphasis on learning and research not on commercialized sports entertainment and health-spa-like facilities. We need to think about our universities and STEMs literacy in a global context.*

# TRUTH TELLING ON CAMPUS

## Catholic colleges and universities could lead the way

by Frank G. Splitt

Posted March 7, 2006

In a cover story based on an earlier speech to his faculty, Fr. John Jenkins, C.S.C., the new president of the University of Notre Dame, discussed issues surrounding the ability of institutions to maintain their Catholic identity while sustaining academic freedom [1].

Jenkins centered compelling observations on two of the three controversies that have swirled about the university in recent years – the fate of “The Vagina Monologues,” a play celebrating women’s sexuality, and the Queer Film Festival, devoted to gay and lesbian cinema – signaling a willingness to exercise his authority only after broad consultation.

This willingness is really encouraging since it stands in stark contrast to the handling of the third controversy that attracted considerably more media attention than the others. It involved the termination of Tyrone Willingham – breaking the university’s long-standing tradition of honoring its contract commitment to their football coach.

The termination was accomplished by a small group of trustees and university officials -- including then incoming president Fr. Jenkins – apparently without listening to and taking seriously contrary voices and prompting then president Fr. Edward Malloy to say he was “embarrassed to be president of Notre Dame” [2]. Unfortunately, incoming and sitting presidents are in no position to oppose the will of prominent and wealthy sports boosters, especially those that sit on governing boards.

This action allowed the university to quiet rabid fans and alums that were threatening to withhold contributions as well as hire a new pro-level coach. The expectation? – an accelerated return of Notre Dame’s football program to national prominence and really big money. To many, the action signaled the end of an era at Notre Dame as it adopted the win-at-any-cost business model of its competitors and provided yet another example of the ability of money to trump principle. No longer can it be said that Notre Dame stands above the mess in the world of the big-time (Div 1A) college-sports entertainment business that, all too often, displays hallmarks of hypocrisy, secrecy, deceit, and deception.

The college-sports entertainment business not only maintains a virtual stranglehold on America’s institutions of higher education, but also serves as a major distraction from their academic mission – undermining America’s ability to face up to global realities [3, 4]. It also spawns varying degrees of academic corruption with a corresponding need to keep the public and the Congress in the dark. The dearth of academic skills and knowledge imparted to athletes, whose primary aim is to play professionally, is shrouded by the Buckley Amendment to the Family Educational Rights and Privacy Act that impedes truth telling – effectively shielding academic corruption in intercollegiate athletics.

But there could be good news in all of this.

Paraphrasing a related editorial [5] – for reasons that go far beyond the merits of a single film festival or play, the experiment in broadly based dialogue at Notre Dame bears careful watching. It could very well serve as a model for a much wider discussion on the Catholic identity of its institutions as well as a discussion of the hypocrisy related to the big-money sports programs on its college and university campuses.

The presidents of our Catholic colleges and universities could be moved to solicit advice from their faculty and others on the place of the value-distorting, sports entertainment business in their schools. They might even go so far as to provide independently verifiable evidence that their athletes are bona fide, degree seeking students. For example, they could publish aggregated (Buckley-compliant) academic data from cohorts of football and basketball team athletes – providing the names of the faculty (along with the title of the courses and course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time (athletic) job, miss numerous classes, and come dead tired to others.

This would be a breakthrough of historic proportions since getting institutions of higher education to tell the truth – making public information on how they do, or don’t, educate athletes has been a long and arduous battle. As

Paul Gallico wrote some 70 years ago in *FAREWELL TO SPORT* (with reference to the Amateur Athletic Union): "One of the easiest things in the world is not to have evidence when evidence is liable to prove embarrassing."

Perhaps, the University of Texas, the University of Southern California, Ohio State University, Duke University, the University of Connecticut, Florida State University, the University of Michigan, and other top-ranked schools in college sports might also be moved to tell the truth about how they manage to maintain eligibility for their athletes as well as avoid being punished by the NCAA's new Academic Progress Rate measure that has hurt lesser-ranked schools [6].

Stranger things have happened, but just don't bet on it happening without government intervention.

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**Frank G. Splitt**, a former McCormick Faculty Fellow at Northwestern University's McCormick School of Engineering and Applied Science, is a member of The Drake Group and the author of *RECLAIMING ACADEMIC PRIMACY IN HIGHER EDUCATION*, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf), and *THE FACULTY-DRIVEN MOVEMENT TO REFORM BIG-TIME COLLEGE SPORTS*, [http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf).



# **A COLLECTION OF RECENTLY PUBLISHED ESSAYS AND COMMENTS**

By Frank G. Splitt

**PREPARED FOR DISTRIBUTION AT:**

**The Drake Group Conference**

***A Century of College Sport:  
A Turbulent Past, A Conflicted Present, A Brighter Future***

**University Place, Indiana University Purdue University**

**Indianapolis, Indiana**

**March 31, 2006**

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

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## **The Past and the Present: Hutchins Revisited**

**Circa 1930s** – *A college racing stable makes as much sense as college football. The jockey could carry the college colors; the students could cheer; the alumni could bet; and the horse wouldn't have to pass a history test.*

— Robert Maynard Hutchins, former president of the University of Chicago

**Circa 2006** – *A college racing stable makes as much sense as pro-level college football and basketball. The jockey could carry the college colors; the students could cheer; the alumni could bet and invest; the horses wouldn't have to attend classes; pass tests, or maintain a 925 APR; and school officials wouldn't have to lie and cheat trying to prove that their horses are real horses.*

## **THE WALL STREET JOURNAL**

### **LETTERS TO THE EDITOR**

Wednesday, October 5, 2005, A21

#### **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.

**Frank G. Splitt**  
*McCormick Faculty Fellow*  
*Northwestern University*  
*Evanston, Ill.*

**Comment on "Too Much Money? Sports and the Budget" by John Lombardi,**  
**InsideHigherEd.Com, Nov. 11, 2005, <http://www.insidehighered.com/views/2005/11/11/lombardi>**

#### **Sarbanes-Oxley and Disclosure Can Fix Budget Problem**

John Lombardi does it again — putting his finger on one of the vexing problems that is most frustrating to reform-minded organizations such as The Drake Group. "Convenience" accounting and budgeting practices will continue to be used to fool and confuse faculty, the public, and the government, unless and until schools are forced to employ a uniform system of accounting that includes capital expenditures and is subject to public financial audits. The schools have no one

else to blame but themselves if the Senate Finance Committee holds hearings on the matter and requires them to do just that. Perhaps the threat of Sarbanes-Oxley, along with other disclosure requirements, would do just as well. Can you imagine the explosive reaction by big-money, college-sport boosters when such disclosure exposes the extremely weak academic basis for the NCAA's and their school's nonprofit tax status and that of the college sports entertainment business?

**Frank G. Splitt**, Member at The Drake Group, at 11:08 am EST on November 11, 2005

**Comment on “No College Left Behind?” by Doug Lederman, InsideHigherEd.Com, Feb. 15, 2006,**  
<http://insidehighered.com/news/2006/02/15/testing>

## Handwriting on the Wall?

**Doug Lederman’s “No College Left Behind?” and related comments provide an excellent summary of the issues surrounding outcomes assessment in higher education [InsideHigherEd.com, Feb. 15, 2006].**

How can one not agree with Charles Miller, Chairman of the Secretary of Education’s Commission on the Future of Higher Education that colleges must better measure the skills and knowledge they impart to students, and openly share that information with the public? The government ought to be the first to have this information. Why? Because the feds are now subsidizing higher education and the NCAA with favorable tax policies and no end of financial support with little or no feedback on the return on the American taxpayers investment.

From a taxpayers point of view, a good place to start assessment would be with the athletes from colleges and universities that maintain big-time (Div 1A) football and basketball programs — limiting comprehensive, multifaceted assessments to the top one-third of the players having the most playing time on each team. This would provide aggregated data from a cohort of about 35 athletes from each school — 30 from football and 5 from basketball.

Candace de Russy is quite correct in saying that getting institutions of higher education to make public information on how well they are serving students and the nation will be a long and arduous battle. As Paul Gallico wrote (with reference to the Amateur Athletic Union) some 70 years ago in FAREWELL TO SPORT : “One of the easiest things in the world is not to have evidence when evidence is liable to prove embarrassing.”

I also agree with Lee Schulman that institutions of higher education cannot drag their feet — putting off the implementation of a “carefully designed suite of assessments,” each of which might be “deeply flawed,” but “collectively is a robust and most sensitive set of measures.” One element of the suite should be a list of the courses taken by each cohort, the average grades for all students in those courses, and the names of advisors and professors who teach those courses.

All of this amounts to handwriting on the wall for the NCAA. As Supreme Court Justice Louis Brandeis stated: “Sunlight is said to be the best of disinfectants.”

[Frank G. Splitt](#), Member at The Drake Group, at 4:55 pm EST on February 16, 2006.

## **THE CHRONICLE OF HIGHER EDUCATION**

### **The Chronicle Review**

From the issue of March 10, 2006, Volume 52, Issue 27, Page A47

### **Athletes Who Are Not Real Students**

To the Editor:

In "[Rule Change May Spark Online Boom for Colleges](#)" (*The Chronicle*, February 3), Dan Carnevale reports that Congress is poised to end a federal restriction on distance education. Clearly this change would open the door to even more fraud and abuse than exists today.

Also, there is a growing trend for administrators to lower the bar for their students rather than enforce established standards, circumventing the challenge of testing them in today's environment of wireless communications and the Internet. As if colleges and universities with big-time sports don't already have an abundance of tools to scam the government, information technology is providing them with still more. ...

Taken together with the widely reported correspondence-school scam — where top high-school athletes with poor grades not only get into college, but also meet the National Collegiate Athletic Association's eligibility requirements — we have compelling evidence that it is becoming ever more easy for colleges to pass off their athletes as legitimate, degree-seeking students.

It is my considered opinion that the government's continued acceptance of this charade is tantamount to federal approval of an entitlement program for the big-time college-sports entertainment business, all but guaranteeing a continuation of the tax-exempt status of the business as well as its ability to exercise a stranglehold on America's higher-education enterprise.

Frank G. Splitt  
Mount Prospect, Ill.

**Comment on "STAYING THE SCIENCE COURSE," by David Epstein,**  
**InsideHigherEd.Com, Mar. 16, 2006, <http://insidehighered.com/news/2006/03/16/undergrad>**

### **Valuing the Science Course**

In his article "STAYING THE SCIENCE COURSE," David Epstein reported that several academics, including Nobel Laureate Carl Wieman, told a Congressional panel: "If American colleges are to produce more science majors and, in turn, better science teachers, the focus should be on the quality of undergraduate instruction" [InsideHigherEd.Com, March 16, 2006].

True enough, but America's love affair with big-time college-sports entertainment in combination with excessive cynicism, apathy (if not purposeful ignorance), and gambling, has been a recipe for growing commercialization and the hijacking of the educational mission at many of its institutions of higher learning.

Wieman is also an advocate of college sports reform, see APPENDIX I – "'University' label no longer applies: CU's an appendage to the athletic department," in "The Faculty-Driven Movement to Reform Big-Time College Sports," [http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf).

It seems that only in seemingly complacent America that is governed mostly by lawyers, can we find a general public that views sports as super cool while STEMs are considered to be nerdy and where athletes have a definite edge when it comes to college admission. Simply stated, American's value SPORTS over STEMs. For more, see "Sports in America 2005: Facing Up to Global Realities," [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America.pdf](http://thedrakegroup.org/Splitt_Sports_in_America.pdf).

[Frank G. Splitt](#), Member at The Drake Group, at 4:45 am EST on March 17, 2006

### **CLIPS GUEST COMMENTARY:**

## **March Madness will go on as it always has ... unless**

*As usual, Frank Splitt gets right to the heart of the matter regarding APR end-arounds and the linear follow-the-money whys and wherefores.*

by Frank G. Splitt, March 23, 2006

**YOU CAN ASK AMERICANS** about big-time college sports and they will be willing to tell you three things: first, it's great entertainment; second, they know most schools cheat; and third, they don't want to be bothered with the details of related issues and reform efforts -- especially during the NCAA's March Madness. Who cares about teams that don't measure up academically? -- certainly not the NCAA, even though it says it wants to penalize schools that don't.

Under the NCAA's highly touted Academic Progress Rate (APR) formula, one point is deducted from its maximum APR point count of 1000 for each team player who is failing, does not stay in school or leaves school early in bad academic standing. Any team falling below the NCAA's minimum APR standard of 925 would suffer loss of scholarships, even ineligibility for post-season competition.

However, the NCAA allows waivers for anomalies, appeals, and whatever it takes to allow academically unqualified schools with competitive teams to remain eligible for the tournament. If the NCAA enforced its academic standard for post-season competition this year, there would not be a Sweet 16; only five of the 16 teams scored above the NCAA's standard of 925.

Also, in "A Bracket You Won't See Elsewhere" [InsideHigherEd.com, March 14, 2006], David Epstein calls our attention to a Center for American Progress campaign that is aimed at underscoring the academic failures of many big-time teams and pressuring the corporations that pour money into big-time programs to direct some of the money to recognize teams that perform well academically, <http://thinkprogress.org/march-madness/>.

Could all of this signal the end of March Madness as we know it, the end of college and university conferences serving as the NBA's minor leagues with athletes pretending to be students? It should, but it doesn't.

**THE NCAA's LARGEST MONEY MAKER** will go on without a hitch. For the schools, this means providing near professional level teams of athletes by beefing up their eligibility centers, aka Athletics Advisory and/or

Support Centers, and putting more pressure 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.

The NCAA will likely do its part by continuing to let the schools operate on an "honor" system (grading themselves without independent oversight), granting exceptions and waivers, co-opting the Knight Commission and its watchdog mission, showing that their flawed system is "working" by penalizing weak schools, and leveling infraction penalties so minor that it would be well worth the risk of being caught cheating, as well as by employing an enforcement staff that is not matched to the monumental task of monitoring schools that appear willing to do almost anything to build a winning team.

If the NCAA is really looking to get schools to measure up academically, it could ask each member school to provide aggregated (Buckley-compliant) academic data so it could assess whether or not their athletes are legitimate students in good standing. A cohort of a school's basketball team consisting of the top 50% of the athletes with the most playing time would suffice. As for the data, the NCAA could request aggregated attendance records and the names of the faculty (along with the title of their courses, the athlete's grades, and the course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time, basketball-playing job, miss numerous classes, and come dead tired to others.

You can bet that this won't happen. As syndicated sports columnist Bob Gilbert has said: "The NCAA pro-academic story is what it is: A big lie." Simply put, the NCAA has no incentive to change and neither do the schools -- the money is so good and the ways to game the system are so many.

March Madness will go on as it always has ... unless the proliferation of phony 'student-athletes' prompts congressional scrutiny along with a credible threat to remove the tax-exempt status of the entire college sports entertainment business.

## **DAILY HERALD**

Letters to the Editor, March 27, 2006

### **OK to root against Air Force, but ...**

Mike Imrem stated in his March 16 column "It's OK for Illini fans to root against Air Force," saying: "college sports fans would pull for their teams to run up the score against nuns, orphans, the infirm ... and future defenders of our country."

But why root for a service academy? Well here's why: The Air Force, Army, and Navy academies aren't just your standard college and university opponents — their athletes aren't normal, everyday, pedestrian athletes pretending to be students, looking to make it to the NBA.

Imrem quoted Air Force coach Jeff Bzdelik as saying: "Our players are so multitalented, they want to be the best students they can be, and they want to be the best basketball players they can be. They want to be successful in a lot of ways."

Now that's something really worth standing up and rooting for.

Frank G. Splitt  
Mount Prospect

## **CLIPS GUEST COMMENTARY:**

### **The College Sports Tax Scam**

*The prolific Frank Splitt provides fodder for congressional scrutiny of the tax-exempt status of the college "sports entertainment business."*

*by Frank G. Splitt*

*March 28, 2006*

**STEPHANIE STROM'S COLUMN**, "Charities Face Increased Reviews by I.R.S. as Senate Considers Strengthening Oversight" [*The New York Times*, June 22, 2004], was instrumental in setting The Drake Group focus on the tenuous basis for the tax-exempt status of the big-time college sports entertainment business.

There follows a related excerpt from "THE FACULTY-DRIVEN MOVEMENT TO REFORM BIG-TIME COLLEGE SPORTS, [http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf), page 11.

*In a June 22, (2004) Senate Finance Committee (SFC) hearing on nonprofit practices, abuses and ways to improve oversight, the IRS said it would examine some 400 foundations to determine whether the philanthropic institutions were complying with tax laws. It is understood that this effort is part of the SFC's contribution to a broad regulatory effort to better police the nonprofit sector, which controls billions of tax-exempt dollars. As reported by Stephanie Strom of the New York Times, SFC Chairman Senator Charles E. Grassley, R-IA, promised to introduce legislation in the fall to strengthen regulation at the federal and state levels, increase the responsibility of boards, stiffen penalties for conflicts of interest and other failures to comply with tax laws and enhance disclosure, saying: "It's obvious from the abuses we see that there's been no check on charities; big money, tax free, and no oversight have created a cesspool in too many cases."*

Strom's recent column, "Billionaire Gives a Big Gift but Still Gets to Invest It" [*The New York Times*, Feb. 24, 2006], provides an example of how wealthy college sports boosters can take advantage of the tax-exempt status of the college sports entertainment business.

Craig Karmin's column, "Going for the Big Score" [*The Wall Street Journal*, March 13, 2006, <http://online.wsj.com/article/SB114193106453693897.html>], provides yet another example of the apparently legal abuse that occurs with no check on the big-time college sports entertainment business. Paraphrasing Senator Grassley: "Big money, tax free, and no oversight can create a cesspool in too many cases."

These examples should ring a few bells in Congress as they relate to how tax investors obtain deductions for their donations to college sports related funds while the funds invest their money in companies in which the investors already hold stakes.

The examples also show why the NCAA and its cartel of colleges and universities work so hard to retain their tax-exempt status by creating the illusion that their athletes are bona fide, degree seeking students, as well as why The Drake Group, [www.thedrakegroup.org](http://www.thedrakegroup.org), is pressing forward with its congressional quid pro quo initiative on disclosure and the restoration of academic and financial integrity in our institutions of higher learning.

Brad Wolverton's column, "House Committee Is Looking Into Whether Some College Sports Revenue Should Be Taxed" [*The Chronicle of Higher Education*, March 10, 2006], contained this quote from the NCAA: "We are organized and operated exclusively for educational purposes; the IRS has reaffirmed this since our original exemption in 1956 and also has not questioned our exempt status."



The linchpin of the NCAA cartel's claim to tax-exempt status is their first principle of intercollegiate athletics: Those who participate in intercollegiate athletics are to be students attending a university or college. See NCAA President Myles Brand's 2006 State of the Association Address: "The Principles of Intercollegiate Athletics" [*The NCAA News*, *NCAA.org*, Jan. 7, 2006]. However, evidence indicates a quite different reality – many, if not most, athletes that actually play are not bona fide, degree seeking students, but rather, athletes pretending to be students.

The athletes participating in this ruse are aided and abetted by the schools that have become dependent on the revenues these athletes generate. Academic corruption and just plain cheating abound; however, lofty sounding speeches and press releases, as well as secrecy, mask the need for accountability.

Unfortunately, at the present time, the Department of Education and the Congress do not have a source of independently verifiable evidence that can prove that athletes at a given school are really students. Consequently it has no indisputable basis for continuing the tax-exempt status of the NCAA cartel.

Perhaps the Congress could request the Department of Education to collect aggregated (Buckley-compliant) academic data from cohorts of school football and basketball teams to assess whether or not their athletes are legitimate students. For example, the cohorts could consist of the top 50% of the athletes with the most playing time on each team.

The data? The Congress might begin by considering a request for aggregated attendance records and the names of the faculty (along with the title of their courses, the athlete's grades, and the course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time (athletic) job, miss numerous classes, and come dead tired to others.

The College Sports Tax Scam will continue to help fuel the seemingly uncontrolled growth of the college sports business unless and until the proliferation of phony 'student-athletes' prompts congressional scrutiny along with a credible threat to remove the tax-exempt status of the entire college sports entertainment business.



B David Ridpath, Frank Splitt, Richard Lapchick, Allen Sack, Ellen Staurowsky, and Jason Lanter, shown at The Drake Group's 2006 *Robert Maynard Hutchins Award* ceremony, March 31, 2006

## ***The National Catholic Reporter***

***NCR Editor's Note: In the Feb. 10 issue, NCR printed a talk given to the University of Notre Dame faculty Jan. 23 by Holy Cross Fr. John I. Jenkins, the university's new president, [http://www.ncronline.org/NCR\\_Online/archives2/2006a/021006/021006a.php](http://www.ncronline.org/NCR_Online/archives2/2006a/021006/021006a.php). Fr. Jenkins addressed controversy about whether the university should allow the Queer Film Festival and "The Vagina Monologues" to be presented on campus and what that controversy had to say about academic freedom and Catholic identity.***

Letter to the Editor, March 31, 2006

### **RE: Fr. Jenkins February 10, 2006, Essay on Catholic Identity**

Fr. John Jenkins centered his observations on two of the three controversies that have swirled about the university in recent years, signaling a willingness to exercise his authority only after broad consultation. This willingness is encouraging because it stands in stark contrast to the handling of the unmentioned third controversy that attracted considerably more media attention. It involved the termination of Tyrone Willingham, which broke the university's long-standing tradition of honoring its contract commitment to its football coach and prompting then-president Fr. Edward Malloy to say he was "embarrassed to be president of Notre Dame."

The termination was accomplished by a small group of trustees and university officials, including then-incoming president Fr. Jenkins. To many, this signaled the end of an era at Notre Dame as it adopted the win-at-any-cost business model of its competitors. No longer can it be said that Notre Dame stands above the mess in the world of the big-time (Division 1A) college-sports entertainment business that maintains a virtual stranglehold on America's institutions of higher education.

The film festival and the "Monologues" represent low-hanging fruit. Suppose these programs produced net annual revenues — including alumni contributions — exceeding those of the football program. Now that would really stimulate debate and help clarify values, illuminating the propensity of money to trump principle.

FRANK G. SPLITT  
Mount Prospect, Ill.

**Author's Note:** This letter formed the basis for the essay, "TRUTH TELLING ON CAMPUS Catholic colleges and universities could lead the way," posted on The Drake Group Website on March 7, 2006, [http://thedrakegroup.org/Splitt\\_Truth\\_Telling\\_on\\_Campus.pdf](http://thedrakegroup.org/Splitt_Truth_Telling_on_Campus.pdf).

**Frank G. Splitt**, a former Faculty Fellow at Northwestern University and a member of The Drake Group, [www.thedrakegroup.org](http://www.thedrakegroup.org), is the recipient of the Group's 2006 Robert Maynard Hutchins Award. The Award is given annually to faculty or staff members who take a courageous stand to defend academic integrity in higher education, often risking job security in doing so.

All of Dr. Splitt's publications on college sports reform can be accessed at: <http://thedrakegroup.org/News.html>; he can be contacted at [fnjsmp@aol.com](mailto:fnjsmp@aol.com);

NOTE: *College Athletics Clips* was the first to publish the Guest Commentaries. They were posted on *Clips* with the permission of the author. The opinions, intimations, conclusions and inferences contained within these essays and commentaries are solely those of the author; they do not reflect the opinions or endorsement of *College Athletics Clips* or Northwestern University.

## The College Sports Tax Scam Revisited

by Frank G. Splitt

April 24, 2006

**A previous CLIPS Guest Commentary**, "The College Sports Tax Scam" [1, p. 6], provided examples of how investors can obtain deductions for their donations to college sports related funds while the funds invest their money in companies in which the investors already hold stakes. The examples also showed why the NCAA and its cartel of colleges and universities work so hard to retain their tax-exempt status by creating the illusion that their athletes are bona fide, degree seeking students, as well as why The Drake Group, [www.thedrakegroup.org](http://www.thedrakegroup.org), is pressing forward with its congressional quid pro quo initiative on disclosure and the restoration of academic and financial integrity in our institutions of higher learning.

As stated in the commentary:

"The linchpin of the NCAA cartel's claim to tax-exempt status is their first principle of intercollegiate athletics: Those who participate in intercollegiate athletics are to be students attending a university or college. See NCAA President Myles Brand's 2006 State of the Association Address: "The Principles of Intercollegiate Athletics" [*The NCAA News*, NCAA.org, Jan. 7, 2006]. However, evidence indicates a quite different reality – many, if not most, athletes that actually play are not bona fide, degree seeking students, but rather, athletes pretending to be students."

It has been called to my attention that readers would appreciate knowing what was meant by "evidence" and "many, if not most" in the last sentence. Obviously, the most interested of all would be congressional committees that are, or will be, investigating the tax-exempt status of the NCAA cartel. Here is what was meant:

**To begin**, the athletes in mind are those who actually play, for example, the top 50% of the scholarship athletes with the most playing time on big-time (Div.1A) football and basketball teams that were mentioned in the referenced essay [1].

At this time there is really no 'hard' evidence to support my contention. As a matter of fact, independently verifiable evidence that can help prove that athletes at a given school are really students (or not) is precisely what The Drake Group is striving to have the Congress obtain via disclosure. See the last four paragraphs of [1] and the April 2006, Ericson-Svare essay "Time to expose faculty corruption in college sports," [2].

Getting institutions of higher education to make public information on how well they are serving students and the nation will be a long and arduous battle. As Paul Gallico wrote (with reference to the Amateur Athletic Union) some 70 years ago in *FAREWELL TO SPORT* : "One of the easiest things in the world is not to have evidence when evidence is liable to prove embarrassing."

**However, empirical evidence abounds.** Here your attention is called to references [3-15] that were primary 'sources' -- the basis for my contention. The 'evidence' therein led me to the point where I now have little doubt that no more than 10-20% of athletes, that actually play big-time college football and basketball, could pass an external audit as bona fide, accredited-degree-seeking students in good standing, i.e., carrying a 2.0 GPA, or better -- marking period by marking period in non-jock courses. Earlier statements should have piqued reader interest as well. For example, consider the following paragraph from Splitt [12, p. 7]:

"In his January 11, 2004, 'State of the Association' speech, Brand used the "student-athlete" descriptor no less than 23 times as if to convince the listener/reader that college athletes are really bona fide students – a contention that flies in the face of reality. For example, Zimbalist quotes a football coach as saying: "Not more than 20 percent of the football players go to college for an education. And that may be a high figure." Russ Grundy's commentary gets right to the point: "...to be a consistent winner in the big-time, revenue-producing sports of football and basketball requires that athletes put their sports first and academics second.... Schools with high academic standards are at a real competitive disadvantage. Doing the right thing for their students usually costs a school the big money associated with the top bowl games and participation in "March Madness." With few exceptions, greater than fifty percent graduation rates will all but guarantee sitting out post-season play, or, post-season play by virtue of an athletic department that knows how to game the academic system."

Re: the above: see Zimbalist [7, p. 39] for the quote from former Iowa State football coach Jim Walden and the Commentary Section of Splitt [10] for Russ Grundy's remarks. Also see Jon Ericson's AFTERWORD [12] for the prevailing "big lie" in college sports.

**Walden's remark** led to thoughtful consideration of its implications. It was certainly troubling. All that I have read and heard since first reading it has reinforced my belief that prevailing circumstances are such that, even if they wanted to, there are but few athletes that have an opportunity to get a legitimate college education while playing big-time football or basketball. Paid-to-play scholarship athletes simply do not have the freedom to pursue a legitimate education, see Gerdy [14, p. 151].

Perhaps it was Walden's contention that led Zimbalist to preface the quote by saying: "Men's basketball and football players have lower GPAs and SATs than other athletes on average. Further, a high proportion of big-time college athletes don't attend college for either an education or a degree, but to take advantage of the only viable route to professional basketball and football."

Since it is in the financial interest of conference commissioners, the NCAA and its member schools -- presidents, trustees, ADs, coaches, and boosters -- to portray athletes as legitimate, degree-seeking students, they are likely be quite forceful in the use of their influence and powers of intimidation to get what they want -- the very best athletes they can get.

**Besides the potential loss of big-money**, there is a compelling need for some schools to report very high graduation rates to justify/rationalize their high-profile programs and their extraordinary investments in academic support center staffs and facilities. This combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat.

As Walter Byers, who served as NCAA executive director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: "Believe me, there is a course, a grade, and a degree out there for everyone," [4, p. 315]. Reform-minded presidents in state schools can be considered "insufferably naive" and their minds put right by state officials, for example, see Zimbalist [7, p. 22].

In light of the above, it was surprising to see the low APRs for the schools selected for the NCAA's 2006 'March Madness.' If the NCAA enforced its academic standard for post-season competition this year, there would not have been a Sweet 16; only five of the 16 teams scored above the NCAA's standard of 925 -- and certainly not a 'Final Four' since none of the teams passed the minimum standard -- testimony to the pathetic state of academic affairs in big-time college sports. Here, the following is instructive:

**John Gerdy's**, *Air Ball: American Education's Failed Experiment with Elite Athletics* [14], is the most recent and one of the best in a long list of books on the failure of reform in intercollegiate athletics. Gerdy makes the following points:

1. There is no longer any doubt that the current system is broken...we are all aware of the many examples and no need to rehash all of them...we are beyond that.
2. Higher education has had a historic role of providing educational leadership for our society...thus, how we conduct our athletic programs has profound influence beyond campus...high schools, pee-wee leagues and our communities take their cues from how our colleges and universities run their athletic programs.
3. If our colleges operate in a way that clearly says, "athletics are more important than academics"...we can fully expect that message to be absorbed and adopted right on down the line...if the educational community can not stand up for academic integrity and educational values, rather than athletic glory, what American institution can...or will?...in the global, creative economy in which we must compete, that impact is particularly insidious...the stakes are too high....We can no longer afford to have America's educational system undermined by athletics.
4. There is a clear path to reform...eliminate scholarships along with the pro mentality and practices that result from them...academic reform hasn't "got it done"...we've been at academic reform for over 20 years and we are no better off.
5. The argument that fundamental change is impossible no longer applies...the environment necessary to support such change is in place...for the first time in the history of higher education, the table of reform is fully set...the context for reform has never been better...the critical mass of people, institutions, groups, etc., who can drive change is in place...there should be no more excuses.
6. College and university presidents are responsible for leading the change effort. It's now or never.....this may be the last best chance to change the system from within ... if presidents and boards do not seize this opportunity then it becomes absolutely clear that they never will -- abdicating their leadership responsibilities. If they continue to refuse to lead, it will be the final proof that they are either unwilling or incapable of doing so...that means change can only come from the outside.

Background and references relating to the third point are provided in "SPORTS IN AMERICA 2005: Facing Up to Global Realities," [16]. Comments related to the sixth point can be found in the section titled: 'Where Are The Presidents?' in "Lines Between NCAA & Knight Commission Now Blurred – Time for Congress to Step In?," [17, p. 18]. This last point also has a decade-old ring to it -- going back to Walt Byers who said: "In fact, the rewards of success have become so huge that the beneficiaries -- the colleges and their staffs -- will not deny themselves even part of current or future spoils. ... I believe the record now clearly shows the major hope for reform lies *outside* the collegiate structure. What the colleges will not do voluntarily should be done for them," [4, p. 369].

**To this end, The Drake Group launched its congressional initiative** in early 2005. See: "Why the U. S. Should Intervene in College Sports" and "Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports" [16, pp. 5, 9].

It is my hope that the congressional committees that are, or will be, investigating the tax-exempt status of the NCAA cartel will find all of the above to be ample reason to call for hearings. It is my further hope that these hearings would not only lead to disclosure, but also to other appropriate measures aimed at restoring academic and financial integrity to America's institutions of higher learning.

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**Frank G. Splitt**, a former Faculty Fellow at Northwestern University, is a member of The Drake Group and the recent recipient of the Group's 2006 Robert Maynard Hutchins Award, <http://www.thedrakegroup.org/PressRelease.html>

# Presidents Flex Their Muscles to Maintain the Status Quo in Big-Time College Sports

## COLLEGE ATHLETICS CLIPS GUEST COMMENTARY

by Frank G. Splitt

*CLIPS EDITOR: In this commentary Frank Splitt – fast becoming the conscience of college athletics - eloquently frames the dilemma that college presidents across the country face every day: to maintain the status quo of the arms race (i.e.-feed the monster), or to enforce financial and academic restraint (i.e.-tame the monster).*

May 11, 2006

Brad Wolverton's article, "Presidents Flex Their Muscles," [*The Chronicle of Higher Education*, <http://chronicle.com/free/v52/i34/34a04801.htm>, April 28, 2006], and the related piece, "Other Presidents Who Are Shaping College Sports," [<http://chronicle.com/free/v52/i34/34a04901.htm>], aim to tell a story of how "a wave of college leaders, led by the U. of Hartford's Walter Harrison, is exerting more influence over sports." One is led to expect to read of how these leaders are exerting their influence to bring about substantive reform in college sports.

With all due respect to these well-intentioned presidents, the reader is sadly left to wonder what these leaders have really accomplished beyond flexing their muscles to maintain the status quo and providing salient examples of the implementation of the NCAA's Deloitte-consultant-recommended, reputational-risk-mitigation strategy. Let me explain.

First off, presidents cannot stand up to lead an effort to change the status quo in any meaningful way 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.

There should be little wonder that presidents serve on the NCAA's executive committee, presidential commissions and committees, as well as on the Knight Commission. Simply put, they serve as 'foxes' guarding a money-filled henhouse.

In accordance with the Deloitte strategy, presidents also serve as a part of the NCAA's communications (spin) team that works to mitigate unfavorable press. For example, see the Sept. 24, 2005, accentuate-the-positive-ignore-the-negative letter to the editor by Mark Murray, president of Grand Valley State University, in response to Skip Rozin's column, "The Brutal Truth About College Sports," [*The Wall Street Journal*, Sept. 15, 2005].

An outcomes assessment of the work of the college leaders would show work to enact rules limiting colleges' use of American Indian imagery, but little if any evidence of work to de-emphasize college sports via reform measures aimed at limiting its growth and restoring academic and financial integrity in our nation's colleges and universities. On the contrary, presidents have worked to:

1. Put an academic face on the NCAA's commercial college sports entertainment business, complementing the hiring of Myles Brand, the former president of Indiana University as its president;
2. Support the NCAA's effort to avoid congressional inquiries on 'hot' issues such as: the legitimacy of its tax-exempt status, the use of steroids and performance enhancing drugs, the violent behavior of some college athletes, and alleged antitrust violations;
3. Serve as forceful advocates of the NCAA party line -- parroting Brand on policies and reform measures;
4. Maintain the status quo and the illusion that college athletes are legitimate, degree-seeking students in good standing

5. Develop and tout the NCAA's latest window-dressing reform measure, the Academic Progress Rate (APR), that is intrinsically susceptible to countermeasures since its implementation is based on self reporting (without external oversight), the availability of easy-to-get waivers and exceptions, weak enforcement, and even weaker penalties for infractions and cheating.

6. Co-opt the Knight Commission that has apparently abandoned its "watchdog" mission as it works in cooperation with the NCAA, 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 -- becoming a well-orchestrated charade funded by the John S. and James L. Knight Foundation..

Something obvious is missing. Could it be the rest of the story? This would be a truth-telling story containing matching, equivalent-length profiles of current and past presidents, faculty and others that are really exerting influence to bring serious reform to college sports -- restoring academic and financial integrity to institutions of higher education along the way.

Might I suggest the following for consideration: Scott Adler, Linda Bensel-Meyers, Derek Bok, Jim Duderstadt, Jim Earl, Jon Ericson, Gordon Gee, John Gerdy, Jason Lanter, Richard Lapchick, Tom Palaima, Kathy Redmond, David Ridpath, Allen Sack, Virginia Shepherd, Richard Southhall, Ellen Staurowski, Carol Simpson Stern, Bruce Svare, John Thelin, Carl Wieman, Andrew Zimbalist, and Nancy Zimpher.

Note that Derek Bok and Jim Duderstadt are emeritus presidents and that Gordon Gee and Nancy Zimpher are the only sitting presidents in the above listing. The following quote may explain why the dearth of sitting presidents. It comes from Clara Lovett, president emerita of Northern Arizona University:

"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." See Commentaries in "RECLAIMING ACADEMIC PRIMACY IN HIGHER EDUCATION,"

[http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf).

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. It would take a tremendous amount of courage for university presidents sitting on the NCAA Executive Board, its Division I A Board of Directors or its Presidential Task Force on the Future of Intercollegiate Athletics, or, on the Knight Commission, to flex their muscles and 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."

All indications point to the fact that it is now time for government intervention -- for the Congress to step in to force the presidents and the NCAA to enact serious reform.

**NOTE:** The above essay is an extension of a May 1, comment made by the author on *The Chronicle of Higher Education Forum* "Power Players," <http://www.chronicle.com/forums>.

The forum was initiated on April 21, 2006, to address the question: What would you do to reform college athletics? As was stated by the Forum Moderator: "With rising public concern about college athletics programs, more institutions' presidents and chancellors are getting involved in sports policy. If you are a college leader, what are you doing to resist commercial interests? To ensure ethical behavior by your athletics director and coaches? To raise money for sports facilities? To help your athletes stay on track academically? To discourage players' illegal or uncivil behavior off the field? If you are not a college leader, what would you recommend your president or chancellor do? The moderator provided hyperlinks to the articles by Brad Wolverton. The articles were published in the *Chronicle* a week after the forum was initiated.



***There should be little wonder that presidents serve on the NCAA's executive committee, presidential commissions and committees, as well as on the Knight Commission. Simply put, they serve as 'foxes' guarding a money-filled henhouse.***

## BALANCING STEMS AND SPORTS: A QUESTION OF VALUES

Frank G. Splitt

Some three years ago, my wife Judy and I attended Northwestern University's *Waa-Mu Show*, "This Just In" – a musical created around the idea of breaking news. How ironic it was to receive "this-just-in" news the very next day concerning the Epilogue to what was then the upcoming paperback edition of Jim Duderstadt's book, *Intercollegiate Athletics and the American University: A University President's Perspective*. Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, wrote the Epilogue with the aim of updating readers on the progress of reform since the original publication of the book in 2000.

Some months earlier I found that the hardcover book provided a penetrating analysis of the ills besetting Intercollegiate Athletics from his unique perspective. I was especially impressed since Jim was also the author of the visionary book, *A University for the 21st Century*, that I had been recommending as a "must read" in my writings and talks on systemic engineering education reform. By virtue of his preeminent background and experience he has been serving as the "tip of the spear" – breaking a path that can be walked by the present and next generation of reformers in multiple domains of higher education as well as our nation's knowledge infrastructure. It has been my good fortune, as a member of The Drake Group, <http://www.thedrakegroup.org>, to be able to assist him in this endeavor.

The Epilogue's header took the form of the following quote from Thomas Paine's *Common Sense*, published in 1776... a quote that I had mentioned to Jim as equally applicable to his writing on intercollegiate athletics as it was to mine on engineering education reform: "*Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason.*"

With reference to this Paine quote and to my previous essay, "Modern-Day Warfare: It's All about STEMs Literacy in a Global Context," in the November 2005, issue of *The Interface*, consider the following from Robert Maynard Hutchins' article "Gate Receipts and Glory," published in the December 12, 1938, issue of the *Saturday Evening Post*: "*Since this country needs brains more than brawn at the moment, proposing football heroes as models for the rising generation can hardly have a beneficial effect on the national future.*" Hutchins, then president of the University of Chicago, wrote these prescient words during the time of the gathering storm prior to the outbreak of World War II. He deplored undue emphasis on nonacademic pursuits – condemning "sham" courses for college athletes and the pervasive cheating by schools to fashion winning teams. Guided by his personal beliefs, Hutchins abolished football at the University of Chicago in 1939.

*The Interface* essay was an outgrowth of a 'brief' prepared for the April 2005, workshop, "What Does it Mean to be Educated in the 21st Century?" sponsored by the National Science Foundation (NSF) and hosted by Chancellor Nancy Cantor at Syracuse University. It **made a point about America's obsession with sports – saying** that only in seemingly complacent America can we find a general public that views sports as super cool while the study of science, technology, engineering, and mathematics (STEMs) is considered to be nerdy. A follow-up essay, "*Sports in America 2005: Facing Up to Global Realities*," [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America.pdf](http://thedrakegroup.org/Splitt_Sports_in_America.pdf), reflected my experience working with the International Engineering Consortium (IEC) and the Electrical and Computer Engineering Department Heads Association (ECHEDHA) on the November 2005, NSF sponsored workshop, "Globalization Effects on ECE Education for the

Engineering Profession," hosted by President Bill Wulf at the National Academy of Engineering.

In the latter essay it was noted that the National Academies responded to a request from concerned members of Congress with a call-to-arms report, "RISING ABOVE THE GATHERING STORM: Energizing and Employing America for a Brighter Economic Future," <http://books.nap.edu/catalog/11463.html>. The report states that "This nation must prepare with great urgency to preserve its strategic and economic strengths. The report (a.k.a. the Augustine report) goes on to say that America faces an enormous challenge because of its disadvantage in labor costs; and, that science and technology provide the opportunity to overcome that disadvantage by creating scientists and engineers with the ability to create entire new industries. It is estimated that a coordinated and sustained response to the challenge would cost the country about \$9 billion a year.

*The Protecting America's Competitive Edge (PACE) Act*– three bills covering energy, education, and finance – is based on 20 recommendations from the Augustine Report. It was introduced to the Congress in late January. In May the House passed a spending bill for the Department of Energy, and, in mid-June, the Science, State, Justice and Commerce

Subcommittee on Appropriations approved a 2007 spending bill, that if it holds through the rest of the Congressional budget setting process, puts the House on track to pay for the entire first year of *PACE*. Unfortunately, this was accomplished by cuts in environment related programs and other worthwhile initiatives. There must be a better way to obtain *PACE* funding beyond 2007. For example, consider the following.

In his opening statement for a congressional hearing on the Augustine report, Congressman Sherwood Boehlert (R-NY) said: "Science programs still have to scrounge around for every additional cent; young scientists still have to beg for funds; our education system is still producing too many students who cannot compete with their counterparts around the world; and the federal government is still ignoring our fundamental energy problems while wasting money pandering to special interests."

A salient example of this pandering is the government's favorable tax policies on college sports, particularly the NCAA that is treated as an institution of higher education. Quid pro quo contributions from boosters and the boom in the leasing of stadium skyboxes by corporations and other big-money contributors as well as extortion-like seat taxes, are fueling the uncontrolled growth of the big-time college-sports entertainment business. This is because the federal government weakly enforces its Unrelated Business Income Tax (UBIT) law. 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.

In effect, the government is subsidizing the college-sports entertainment industry that operates minor league teams and leagues for the NFL and the NBA. Elimination of this subsidy would provide substantial incremental tax revenues that could aid the implementation of the Augustine report's recommendations – helping to finance a boost in the federal investment in basic research, recruitment of future STEM teachers, and scholarships for undergraduate STEM students that want to go to college to learn. It's all a question of values and getting priorities right in higher education.

As my previous *Interface* essay concluded, a democracy has as one of its fundamental strengths the ability to bring great ideas, innovation and individual initiative, into what could otherwise be a failing system. But democracy is only as strong as the people who are willing to keep it vital and ever evolving. We all need to wake up and rise to the challenge.

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# College Athletics, Academic Assessment, and the False Claims Act

## *A CLIPS GUEST COMMENTARY*

*by Frank G. Splitt*

*Posted September 24, 2006*

**MARGARET MILLER**, director of the Center for the Study of Higher Education at the University of Virginia, tells of the (Spellings) Commission on the Future of Higher Education report's emphasis on accountability measures that has evoked some legitimate concerns [1]. However, steps toward some common indicators of educational progress make sense, and they're feasible, writes Miller.

But, like the disclosure advocated by The Drake Group to help reform collegiate athletics [2], assessment measures do not make sense to big-time (Div IA) college presidents and administrators who will likely resist these measures at all costs. Here's why:

The litany of concerns about assessment – that higher education is far too diverse to be measured by standardized tests; that common learning measures will lead inevitably to punitive, costly, and unnecessary federal intervention; and that if assessment is used as a consumer-information tool, it will oversimplify a complex higher-education system and lead to comparisons among unlike institutions – all contain a bit of truth. However, these stated concerns merely serve as chaff – masking the real, unstated concern of college presidents and administrators that assessment could expose their schools to False Claims lawsuits as well as jeopardize the basis for the huge tax-exempt revenues from their sports entertainment businesses [3, 4].

Lowering the admissions bar to woo the children of the rich and famous and the adoption of a SAT-optional strategy helps raise school endowments and enrollments [5, 6]. What's more, these kinds of tactics also help athletic departments admit and roster highly talented, but educationally disadvantaged, athletes ... athletes that are requisite to building cash-generating, competitive (quasi-professional) college sports teams [7]. Here, it is to be noted that many of these academically unprepared athletes will have a full-time athletic job, miss numerous classes, and likely come dead tired to others.

In any case, all the colleges have to say is that the students are admitted because they believe the students are qualified and can meet the demands of their academic programs. But who can trust that this is really so when it is in the school's vested self interest to make such statements? Who will challenge the schools?

**WHAT COLLEGE PRESIDENT** would ever want to approve, let alone introduce, academic assessment with metrics that could possibly expose chicanery and academic corruption – such as the likely abuse of direct-study courses – that could be enabling his/her school to prosper as a federally subsidized business [8, 9]? Much the same can be said of boards, committees, and commissions populated with sitting presidents, that ostensibly serve to oversee, improve, and/or reform collegiate athletics, but work around the margins of the mess in collegiate athletics to maintain the status quo.

It would appear that athletic departments and school administrators have developed a new art form – achieving and maintaining eligibility for college athletes pretending to be students. Faculty members willing to game the academic system are all that is needed to gain eligibility and even graduation for these athletes, thus allowing their school to reap the financial benefits attendant to the athlete's participation in intercollegiate sports. What do the schools really have to worry about?

Just imagine a certified (trustworthy), independent assessment of what college athletes are really learning or have learned. Furthermore, imagine the financial consequence to America's colleges and universities of widespread False Claims suits. These suits, filed under the False Claims Act, would enable the government to recover federal funds that have been misspent on 'empty' educations for many college athletes ... athletes who have neither the time nor, in many cases, the inclination requisite to serious degree-track studies. Under the terms of the act, lawsuits can be brought by the government or by outside parties on behalf of the government. That's what the schools have to worry about – and intervention by the Congress as well.

However, it will take a tremendous amount of courage and resolve on the part of Congress to do the right thing and bring about disclosure and serious reform in big-time college sports. Unfortunately, it may be the only way it can happen. But, will it happen? Obviously, not immediately with elections on the near horizon ... perhaps it may never happen at all with world events overshadowing domestic affairs.

It will certainly not happen without strong leadership that can stand up to the huge amount of money as well as the very powerful legal and lobbying forces at the command of the NCAA cartel. To get a sense of the magnitude and ubiquitous nature of this power, we need only look back at the story of the cartel's suppression of the 1977 Unrelated Business Income Tax case brought against Texas Christian University by the Dallas office of the IRS [10].

Still all is not lost. There is a glimmer of hope in Brad Wolverton's story on how a congressional committee is scrutinizing the academic problems of athletics and the tax-exempt status of the NCAA and athletics conferences [11]. Lastly, there is always the looming threat of major financial hurt to miscreant schools – stemming from litigation based on the False Claims Act.

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2. Salzwedel, Matthew and Ericson, Jon, "Cleaning Up Buckley: How the Family Educational Rights and Privacy Act Shields Academic Corruption in College Athletics," *WISCONSIN LAW REVIEW*, Volume 2003, Number 6, 2004. NOTE: For example, schools would publish aggregated (Buckley-compliant) attendance records and academic data, including grades, from cohorts of football and basketball team athletes – providing the names of the faculty along with the title of the courses and course GPA.
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**Frank G. Splitt**, a former McCormick Faculty Fellow at Northwestern University's McCormick School of Engineering and Applied Science, is a member of The Drake Group and the recipient of its 2006 Robert Maynard Hutchins Award "for his courageous defense of academic integrity in collegiate sports.



**Fish Predation and Trapping for Rusty  
Crayfish Control on Plum and Star Lakes:  
A Commentary**

**Frank G. Splitt**

**Lakes Committee  
Town of Plum Lake  
Vilas County, Wisconsin**

**September 28, 2006**

## **Fish Predation and Trapping for Rusty Crayfish Control on Plum and Star Lakes: A Commentary**

**INTRODUCTORY REMARKS** – A series of three meetings were held this summer at the UW-Trout Lake Station (UW-TLS) to examine how best to assess the larger implications of the successful small-scale Sparkling Lake study of fish predation and trapping for rusty crayfish (RC) control on Plum and Star Lakes. Participating in these meetings were representatives of the University of Notre Dame's Environmental Research Center (UNDERC), the Wisconsin Department of Natural Resources (WDNR), UW's TLS and Madison Limnology Center, the Vilas County AIS Partnership, and the TPL Lakes Committee [1]. The meetings were organized by the Town of Plum Lake (TPL) Lakes Committee, were hosted by Tim Kratz, UW-TLS Director, and moderated by Bill Sloey, chair of the Lake Monitoring and Management Subcommittee of the TPL Lakes Committee. There follows a list of initial discussion points:

1. RCs were introduced to both Plum and Star Lakes some 30 to 40 years ago.
2. Both lakes have provided ideal habitat for RCs to establish robust high-density communities.
3. Little Star and Star Lakes are interlinked with Plum Lake by Star Creek.
4. There are no apparent signs of biotic (up-down) cycling of RC densities in either Star or Plum Lakes.
5. There is anecdotal evidence that both Star and Plum lakes supported 'good' panfishing prior to RC invasions.
6. WDNR creel surveys since the early 1990s do not support #5.
7. There is anecdotal evidence, based on old guide maps and accounts by long-time riparian owners and fishing guides, that both lakes have suffered a sharp loss of aquatic plants and macroinvertebrates.
8. Riparians and other stakeholders share a strong feeling that the RCs have impaired the quality of the lakes and their lake experience – water quality (turbidity), fishery, and RC-human contacts.
9. Water quality measurements taken during a 1997 Lake Planning Grant study conducted by Blue Water Science as well as more recent Secchi disc measurements of 17 feet taken by riparian volunteer Gerry Kurth do not support the water impairment comment in #8.

The history of initial RC invasions on Plum and Star Lake is instructive. These invasions took place decades ago (in the 1960s -1970s) when the lakes were in a healthy reference state with respect to macrophytes, macroinvertebrates, historically abundant Walleye, Musky, Perch, and anecdotally (but unlikely) abundant *Lepomis* (panfish) fisheries.

These supposedly healthy lakes were still not able to resist rusty crayfish invasions that were followed by classic booming population growths that upset the lake's ecological balance. The upset took the form of dramatic reductions in the amount and kinds of aquatic plants and invertebrates, displacement of native crayfish, and reduction of *Lepomis* and Perch populations due to reduction of likely sparse pre-invasion *Lepomis* and young Perch habitats. To date, these lakes have not exhibited any signs of a "boom-bust" in RC population such as seen on Kentuck Lake in the 1970s and 1980s.



This commentary aims to provide the reader with a sense of what's going on in potential RC control mechanisms as well provide a realistic notion of what might be done to reduce the impact of RCs – restoring a measure of ecological balance to large RC infested lakes.

**THE SPARKLING LAKE EXPERIMENT: HOPE FOR THE FUTURE?** – The Sparkling Lake Study on RC control indicates that it is possible to achieve a good measure of RC population control via a combination of intensive trapping of adult crayfish and increased predation of young crayfish. The latter was accomplished by virtue of enhanced SMB fish population via fishing restrictions and a rebound of *Lepomis* associated with macrophyte recovery [2, 3].

According to articles in the Vilas County News-Review and the Milwaukee Journal-Sentinel, [4, 5], Steve Carpenter, UW-Madison Limnology Center, says: "The big hope is that the experiment will expose a "tipping point," where the combination of trapping and pressure from predator fish pushes the rusty crayfish population to crash, with the lake ecosystem returning to its pre-rusty crayfish state.

"What we are wondering is whether we will reach a tipping point where the fish alone can keep up the pressure," said Carpenter, an authority on such ecological change. "We haven't seen it yet, but we're not prepared to admit there isn't a tipping point."

**TRAPPING HELPS BUT PREDATION IS THE KEY** – The Vilas County News-Review reported that intensive trapping would be implemented on Michigan's Lake Ottawa by Notre Dame researchers who have been working on the RC issue with employees of the Ottawa National Forest for the past five years [6]. Commercial crayfish traps are being used in an effort to eliminate the crayfish remaining in the lake after a small-scale 2005 effort to trap via trawling nets. According to the report: "The project, which began again July 6, will continue throughout the rest of the summer until all of the rusty crayfish have been destroyed." Trapping alone will not "destroy" the RCs.

Given sufficient resources, it should be possible to drive a given lake's RC population to near extinction by a "top-down" tactic – removal of almost all small, sexually immature RCs via extensive fishery predation. The so-called "tipping point" would occur when the predation capacity exceeds the RC breeding capacity.

Since the RC life span is less than five years, significant results could be observed in about five years after increasing the predation capacity of the lake system to the point where it far exceeds the lake's RC breeding capacity. The RC breeding capacity can be reduced by trapping adult, sexually-mature RCs, thereby accelerating the RC-population-reduction process. A combination of trapping and increased predation of the diminished but still existing RC population could make it possible to observe significant results inside of five years. However, what is possible may very well be infeasible because of the enormity of requisite resources for intensive trapping in lakes much larger than Sparkling Lake, not to mention greater numbers of riparian and other lake users.

**WHAT HAPPENS UPON CESSATION OF INTENSIVE TRAPPING?** – The use of intensive trapping gives rise to the question: What happens when the intensive trapping ceases? In reference 3, the authors state that: "In coming years, we will examine whether sustained trapping efforts are required to reduce impacts of rusty crayfish." This statement is followed by brief discussions of several mechanisms that may maintain low abundance of rusty crayfish after the intensive trapping regime.

It is Bill Sloey's view that "Based upon what we are currently seeing in Plum Lake, it appears as though both Perch (P) and Northern Pike (NP), and, likely, Smallmouth Bass (SMB), Rock Bass (RB) and Sunfishes, are aggressively feeding on young RCs. This is probably because their traditional food supplies have been greatly diminished by the removal of the littoral vegetation by the RCs and the associated macroinvertebrates and forage fishes." Sloey believes that there is still an unanswered question involving long-term recovery, to wit: "If these predators shift back away from the crayfish once the vegetation recovers, will they resort back to intense RC feeding if the RCs come back? Continued studies in Sparkling Lake may give us a clue in the next few years."

As noted above, the history of initial rusty crayfish invasions on Plum and Star Lake tells us that these healthy lakes were still not able to resist rusty crayfish invasion followed by classic booming population growths. Notwithstanding the cited maintenance mechanisms, a persuasive argument could be made that it is most likely that long-term control in Plum and Star Lakes would involve a continuation (although perhaps only on a periodic basis) of large-scale intensive trapping, a continuation of fishing restrictions, and more. It all depends on the predation capacity of the lake system.

Perhaps the situation was best summarized by Jake Vander Zanden of the UW-Center for Limnology, who said: "that when the crayfish invaded these lakes, Lepomis and bass were being harvested – thus, they were likely well below densities that you will see if you were to control bass/leporomis harvest and let them 'recover'. So, this will certainly work in your/our favor. Still, we can model the system all we want, but we won't know what the system does when we stop trapping until we try in on Sparkling. And how this translates to the very different lakes Plum and Star is unknown" [7].

**IS THE SPARKLING LAKE EXPERIMENT UPWARD SCALABLE?** – Sparkling Lake is relatively small-scale (2.3-mile perimeter) and simple compared to lakes having much greater littoral-zone lengths such as Plum (14.5-mile perimeter or 6.3xSparkling) and Star (11.7-mile perimeter or 5xSparkling), as well as having different morphologies, and vastly more complex structures. Consequently, the generality of the conclusion as well as the feasibility of the approach needs to be carefully scrutinized when consideration is given to these and other lake systems [8].

If we assume for the sake of argument that the Sparkling Lake study is an accurate predictor of the possibility of similar success on Plum, Star, and other larger lakes, would other factors preclude feasibility? Among these factors would be the size differentials (5-6 times the # of traps to be set, baited, and managed during the trapping season and

beyond, and crayfish to be counted and disposed of) as well as regulatory hurdles (increase in size and decrease in bag limits of SMB with potential for negative impact on WE fishery and visa versa, as well as fishing restrictions for other predatory species) and the likelihood of "lost" seed banks and other macrophyte regenerative mechanisms [9].

The practical day-to-day problems associated with large-scale intensive trapping on larger, more populated lakes loom large. In addition to the legal/insurance implications re: the navigational hazards posed by the traps and floats, operating costs associated with the traps, boats and motors, off-season storage of traps, disposal of trapped RCs must be considered. Intensive trapping on these larger lakes would require close to 2000 traps rather than the 200 or so traps used on Sparkling Lake. Also to be considered is the difficulty of finding people to perform the daily duties over a long period of time – perhaps five years or more. All things considered, rehabilitating a large, RC infested lake system to near its pre-invasion tropic status would be no easy task.

UNDERC's Brett Peters will be working to develop ballpark estimates of the funds needed to conduct a large-scale removal and scientific analysis on the Star-Plum Lake System.

**INCREASING PREDATION CAPACITY** – All of the above calls attention to the potential long-term benefits of enhancing predation capacity. That is to say in the event resource limitations dictate less intensive trapping, a commensurate increase in predation capacity would be required. This increased predation capacity can be implemented via fishing regulations [10], relocation of RC predators (SMB, NP, P, and Lepomis) from nearby water bodies along with intensive transition-phase habitat enhancement (shoreline tree falls, brush piling, and artificial plants) – would then work to drive the RC population to much less harmful levels than exist today.

Put another way, ecological balance can be restored over time if the predators can significantly reduce the RC population to the point where natural fishery habitat in the form rooted aquatic plants are capable of being reestablished, and most importantly, to the point where the likelihood of a blowback in the form of exponential growth of the RC population triggered by residual colonizers is remote at best.

We know that "catch and release" fisheries do lead to more abundant, larger SMB. However, absent intensive stocking of SMB fingerlings to compensate for the high mortality of YOY from predation by dominant WE fisheries, the odds are that it will be difficult at best to evolve significant predation by SMB on Star Lake even with the SMB regulation change (operative in 2008) of the 18-inch-minimum size limit, 1-fish bag limit proposed by Steve Gilbert, WDNR Fishery Biologist – Vilas County. This change was made effective at Plum Lake in 1996 – resulting in an enhanced SMB population according to Gilbert.

The emergence of the Black Bass Virus in southern Wisconsin has made the WDNR extremely reluctant to stock either LMB or SMB from hatcheries [11]. Relocation of a portion of the SMB fishery from area water bodies such as Palette or Nebish Lakes

would certainly be a step in the right direction. If this is not possible, heavy stocking of Perch and a diverse array of other predatory fish, coupled with recovered macrophyte beds (due to intensive trapping) could provide an alternative long-term predation control mechanism [12].

The aim of the control would be to restore the littoral ecozone with a view toward avoiding massive comebacks instigated by residual populations of rusty crayfish that would most assuredly be much larger in density and spatial distribution than the initial colonizers. It is assumed that the predators will, for the most part, continue to feed on the young RCs even when their traditional foods return. If not, there could be difficulty in dealing with potential compensatory RC reproduction triggered by the population knock down [13]. Since the residual RC population would be much larger than that of the original colonizers that did not succumb to predation, the post-trapping predator capacity will likely need to be much greater than it was before the RC invasion [14].

**CONCLUDING REMARKS** – Fish predation and trapping to control RC populations will most likely be a lake-dependent, iterative process. For example, Plum Lake appears to be recovering a bit due in part to the 1996 SMB fishing regulation change, but it is still linked to RC-rich Star Lake via Star Creek. Therefore, Plum Lake may still require a modest increase in predation and trapping to help accelerate recovery and maintain equilibrium. However, the larger the trapping effort that can be mobilized, the sooner the recovery. Here caution must be exercised lest the use of (currently unregulated) commercial trappers could lead to the introduction of additional plant and animal exotics via trapping gear contaminated by other infested lakes.

On the other hand, Star Lake shows no signs of recovery, as it appears to be at or near its RC carrying capacity [15]. A SMB regulation change (operative in 2008) and very low intensity private and commercial trapping are the only mitigating forces at this time. It would seem that Star Lake would benefit from as much trapping as can be mobilized as well as by the array of predation-capacity-enhancing mechanisms outlined above. This, in turn, would require a radical paradigm shift for this high-density RC infested lake as well as for other lakes of its kind – short-term fishery management for predation as opposed to angling. It may well be that short-term restrictions on harvesting of all panfish (as defined in the WDNR Fishing Regulations) and SMB will be required to enhance the predation on RCs.

Finally, the role of Little Star Lake is unmeasured and unknown at this time.

Bottom line, restoring the Star-Plum Lake System to its near its pre-invasion trophic status poses a daunting challenge – requiring substantial human, financial resources, and time, as well as the close cooperation of the WDNR and other government bodies, local businesses, riparian and other lake users.

Frank G. Splitt  
September 28, 2006

## NOTES:

1. Participants in these meetings included: Brett Peters, UNDERC; Steve Gilbert, WDNR; Tim Kratz UW-TLS; Jake Vander Zanden, UW-Madison Limnology Center; Ted Ritter, Vilas County AIS Partnership, Jim and Vicki Haberle, Gerry Kurth, Bill Sloey, Frank Splitt, and Chris Wise, TPL Lakes Committee.
2. Catherine Hein et al. "Fish Predation and Trapping for rusty crayfish (*orconectes rusticus*) control: a whole lake experiment." Published on the NRC Research Press Web site at <http://cifas.nrc.ca>, Jun. 14, 2006.
3. \_\_\_\_\_, "Intensive trapping causes population decline of an invasive crayfish," *Freshwater Biology*, Draft copy for review, June 2006.
4. "The rusty crayfish, a voracious, bullying exotic that has visited ecological havoc on numerous Wisconsin lakes, may have finally met its match. *Vilas County News-Review*, August 2, 2006, appended.
5. Susanne Rust, "Scientists claw back at invaders: Lake's rusty crayfish decimated by trapping, boosting fish numbers," *Milwaukee Journal-Sentinel*, <http://www.jsonline.com/story/index.aspx?id=480470>, Aug. 6, 2006, appended.
6. "Rusty crayfish being removed from Lake Ottawa," *Vilas County News-Review*, July 26, 2006, appended.
7. Personal communication via 7/26/06 e-mail Re: rusty reprints and more.
8. Some additional thoughts on "other lakes" via a personal communication from Bob Young, WDNR Fishery Biologist for Forest and Florence Counties, follow. "It may be useful in your discussion of crayfish impacts to separate lakes into general lake types, i.e., deep clear rocky systems like Plum and Butternut, intermediate ones like Kentuck having more extensive littoral zones (and a more diverse fishery), and even more shallow, fertile systems with mostly littoral area. You may be better able to assess impacts and potential for control if analyzed in this way. It seems to me the first type would be the most difficult in which to control crayfish numbers due to the abundance of rocky habitat for crayfish and the general lack of panfish numbers to help with predatory control. Not to mention the relatively low numbers of SMB some of the more infertile systems are capable of supporting. An exercise to similarly classify all area lakes where rusty crayfish currently exist, along with some (trusted) knowledge of the historical crayfish and fish population dynamics, could be helpful in assessing chances in a control program."
9. According to UNDERC's Brett Peters, the seed banks in Plum and Star Lakes may not be "lost" at all as both lakes have areas with diverse macrophytes which have the capability of seeding areas now lacking macrophytes. Although there has been a loss of local seed banks within areas of the lakes that have lacked macrophytes for many years, the fact that there are still macrophytes thriving in some areas of both lakes gives hope for natural propagation in areas of the lakes which currently do not have macrophytes. Personal communication, August 30, 2006
10. Fishing regulation changes to protect and enhance RC predators are necessary even if a highly intensive trapping program is used. Brett Peters, personal communication, August 30, 2006.
11. Traci D. George, "Bass Virus: A Cause for Concern?" <http://www.outdooralabama.com/fishing/freshwater/fish-bassblackvirus.cfm>.
12. Anecdotal evidence indicates that enhancement of Perch populations via intensive stocking would provide a substantial predation benefit. During the course of a mid July telephone interview with Gary Kittleston, Plum Waters Resort, and a September 6 interview with Roger Soletske, past president of the Big Bearskin Lake Association, they expressed their conviction that Perch are voracious RC predators. Their conviction is based on personal experience with Plum and Big Bearskin Lakes respectively. Of particular interest is the input from Soletske who began trapping RCs in 1981. His association did extensive stocking of SMB and Perch while lake residents continue to trap RCs with some measure of success. Soletske said he went from a take of 25 gal./day from 25 traps in the mid 1980s to today's take of 8-10 gal./day with 25 "better" traps. Also, aquatics now occupy an estimated 30% of the 400-acre lake compared to 7-10% before their restoration efforts. Soletske's remarks backed up Plum Lake Water's Gary Kittleston's observations re: Perch predation that was mentioned at our second meeting at UW-TLS. Subsequent to my conversation with Soletske, my attention was called to the existence of a March 2002 update of the Comprehensive Lake Management Plan for Plum Lake. The updated report contains the following "new ideas" on Rusty Crayfish Projects from Blue Water Science's Steve McComas:

"There are two crayfish projects the Plum Lake Riparian Association could consider. The first is to use fish to control the smaller crayfish. Yellow perch can be good crayfish predators. Catch and release tactics would be helpful. Signs and informational materials could be distributed to lake residents and at public landings to encourage catch and release fishing. The idea is to maximize the impact of fish predation on crayfish. The second project area is to set traps to remove crayfish.... It would take a substantial effort for several years to have a significant impact.

Big Bearskin Lake (Oneida Co.) has been harvesting crayfish for a number of years. They should be contacted for harvesting techniques and ideas [Roger Soletski (sic) is the president].

For Plum Lake, at least 200 traps should probably be set for 5 to 6 years. This may be a project area that Lake Association volunteers could participate in."

13. For a tutorial on this natural phenomenon, see Greg Laslo's article in the June 2006, issue of Dive Training, "A Natural Selection: How Evolution Works in the Marine World." (Reference courtesy of Nils Holmgren, [holmgren@ezwebtech.com](mailto:holmgren@ezwebtech.com)). The article centers on the 20 + years of research studies by UC-Riverside professor David Reznick on native guppies. "It seems that when guppies live in low-predatory environments, the fish, well, slow down. Conversely, in high predatory environments, they reach maturity faster, swim faster, have more, smaller babies, and live longer than their happy-go-lucky cousins. You could say that it's as if the fish have developed some sort of ability to survive in the more hostile environment."

Nils believes that "because crayfish in Star seem to be, on average, much larger in size than those in other lakes, the reference to work by David Conover struck a note. David Conover notes that depending on which size is allowed to survive in a population, it follows as to what the average size will be. While this may seem to be obvious, it is interesting that the average size then goes on to be self sustaining. In any case, I found the web sites, <http://www.msfc.sunysb.edu/pages/Lab%20DOC/index.html>, and <http://www.seagrant.sunysb.edu/Pages/ConoverPR070502.htm> that will lead to the research he has done. The question I came up with was that if the larger crayfish or other predators prey on the smaller members, has the average crayfish size been altered to match the larger population that is left and to that end become self sustaining? I am going to call Mr. Conover and put this question to him."

14. It could very well be that there was a more robust form of initial colonization than just a few RCs introduced via cast off bait. Some local residents hold to the view that Star Lake was heavily seeded with RCs by those having commercial crabbing interests – with Plum Lake becoming infested by RC migration via Star Creek. This remains but one of several possible scenarios.

15. Comments by Nils Holmgren on the September 11, 2006 commentary distributed by Ted Ritter: "I have read the Rusty Crayfish report and found many of the comments interesting. As I read through the report a few things came to mind, largely tied to the extensive diving we have done in Star Lake and Kentuck, both lakes noted in the report. Please keep in mind that my comments regarding Star are anecdotal, I am not a biologist, and are limited in large to the area of Star that once was home to the sawmill that operated around the turn of the century. We do not spend much time in Star other than this bay. Therefore, our comments are heavily weighted to what we have observed in this bay. Other areas of Star may differ. We are familiar with all areas of Kentuck so those comments are valid for the entire lake. For what it is worth, our observations on Kentuck are the result of over a decade of observations. When in Star, we spend the majority of our dive time around the pilings, and copious supply of sunken timber that covers the bay near the Town of Star Lake. The bottom is covered with hundreds of very large logs under which there reside thousands of crayfish. If the sun is out, the crayfish remain hidden, but on overcast days or toward evening things change, the crayfish emerge and the bottom is crawling with the crayfish.

There is no vegetation. By this I do not mean the vegetation is sparse, but that none exists. Years back I attributed this to the tannin left behind from the bark that covers much of the bottom, but now believe the crayfish are eating any organic matter they can find. The bottom is sandy with a light cover of coarse silt which seems to contain a large component of old pine bark.

There are many very large bass in the area. Based on our observations over 4 or 5 years, their number has increased. There are also many Rock Bass and Walleyes. In fact, Star is the only lake I dive where we can count on seeing schools of Walleyes. The schools contain a wide variety of sizes from the small cigars to those I would consider mounting.

The crayfish we observe in Star are large, in fact the largest of any lake I know. They are larger (my opinion) than those we were familiar with in Sparkling Lake. We see numerous crayfish skeletons, probably to be expected considering the large population. We see few if any small crayfish and have

wondered if they remain hidden or are just on the wrong end of the food chain. Considering the bottom, it is difficult to envision what food is available to support the large robust crayfish population.

Living on Kentuck Lake, I am very familiar with the changes that have taken place. During the 80's, if one were to take a light down to our pier and observe the bottom at night, this bottom was crawling with crayfish. The crayfish were not as large as those in Star, but they were plentiful. As the bass population thrived, the crayfish population plummeted. By that I mean it is no longer possible to observe the bottom at night and see any crayfish. That said, there still are many Rusty Crayfish in Kentuck, but they are under the rocks and those that emerge can measure their life expectancy in milliseconds. Bass love the crayfish, especially the smaller ones, those that are maybe less than 2" long. Large crayfish are very aggressive and are fully capable of standing off a bass or other fish. All bass are not equal and there are some Rambos among them. While not common, some bass will take on the larger crayfish and seem to have adopted a method of attacking them from the rear so as to avoid the claws. None seem interested in taking them head on. We can, and do observe this behavior regularly in the waters in front of our property. In fact we make a game of turning over rocks, exposing the crayfish for bass that wait for us to do so. You may have seen some pictures in the New Review of us doing this. (We are easy to entertain).

I tell you this because I do not believe anyone can expect the bass in Star to prey on the crayfish we observe. The crayfish in Star are just too large. We have watched bass observe and follow a crayfish, but never attack. Now, the bass may be going after the smaller crayfish, but again we have never observed this action. I question if this is happening or if it is, how effective the bass are at chopping off the smaller and I assume younger crayfish. As the report states the life of a crayfish is 5 years, if bass eating smaller crayfish was effective you would expect a decrease in the number of larger specimens. Maybe there are just more young (small) crayfish than even the bass can deal with.

I believe the bass in Kentuck are an important component to keeping the crayfish in check. I also believe the crayfish have adopted a method of staying alive in the presence of the predators that are more than happy to serve them up as a meal. When diving Kentuck it is rare to see a crayfish in the open; they are all under the rocks or other cover. The crayfish are obviously a preferred meal for the bass and occasionally other species. This is supported anecdotally by our observations which indicate that no matter how many crayfish we expose, the fish continue to eat. As you know, Kentuck is fished very heavy. It is not unusual to watch several boats fish the area in front of our property and have little to no luck. In spite of this, I can guarantee and demonstrate that following this we can start to turn rocks and numerous bass will come to feast on the crayfish.

I cannot tell you or speculate what impact other fish species have on the crayfish as we have limited contact with them. Bass being unique and very friendly are those we observe on a regular basis. I am confident the behavior I have discussed above is unique to the bass and one that is learned. For example, we dive Stormy Lake extensively. Stormy has few crayfish. When we catch crayfish to feed to bass on Stormy it takes them some time for the bass to connect the dots and realize the crayfish are good chow. After some repetition of the process, the bass learn and are in your face expecting more handouts. In contrast we can dive any shore of Kentuck where the bass demonstrate they are familiar with and prefer crayfish.

Another point is that even though there is more than enough vegetation in Kentuck, it seems the bass have not developed some other preferred food source. If small crayfish are available they will eat them. I know this is a question that is raised in the report, so put this observation in the, 'for what it is worth column.' As I recall, there was little or no impact on Kentuck due to trapping. The impact as I have stated seems to be tied to the increase in bass population. A friend of mine and I recently set traps in Star Lake. After the traps were set with fish as bait, it took no longer than 2 minutes for previously hidden crayfish to emerge and home in on the traps. Their sense of smell must be highly developed. The photo I sent you was of a crayfish from this venture. Even knowing the number of crayfish in this area I was impressed with the number that attacked the traps. Since we're diving we found the most efficient way to trap the crayfish was to grab them by hand and shove them into the traps. In my opinion, the traps are not that efficient. Because the bait lies on the bottom the crayfish attack that area and find the entrance primarily by accident. I think a better trap design would yield much better results. That design should entice the crayfish toward the openings.

As I stated, the previous comments are based on accumulated observations on our part. They may not be of much value, but I wanted to share them with you. I hope some of them may help us to battle this invasive species." -- Nils Holmgren

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## Vilas County News-Review

August 2, 2006

**The rusty crayfish, a voracious, bullying exotic that has visited ecological havoc on numerous Wisconsin lakes, may have finally met its match.**

Since its introduction to Wisconsin waters sometime in the 1950s, the aquatic invasive has spread to thousands of lakes and streams, clear-cutting the underwater forests that are critical fish habitat, evicting the native crayfish from one body of water after another and scooping up fish eggs like so much caviar.

But the clawed invader, the early results of a long-term UW-Madison study suggest, may be vulnerable to a "double whammy" of intensive trapping and predator fish manipulation to the point where it may actually be possible to rid lakes of an animal that has vexed scientists, anglers and conservation agencies alike for decades.

"They pretty much wipe out all of the rooted aquatic plants, they eat fish eggs, they either eat or compete with native invertebrates and, in general, raise havoc with the near-shore community of a lake," said Stephen Carpenter, a UW-Madison professor of limnology and zoology involved in the study on Sparkling Lake in Vilas County. Supported by the National Science Foundation (NSF), the long-term study of the feasibility of evicting the rusty from the 110-acre lake is now in its sixth year. It holds the promise of a rare victory in the war against introduced invasive species.

Since 2001, the UW-Madison researchers, aided by a small army of undergraduate students and the Wisconsin Department of Natural Resources (DNR), have succeeded in significantly reducing the population of rusty crayfish in Sparkling Lake through a program of intensive trapping and manipulating fishing regulations to favor the smallmouth and rock bass that dine on juvenile crayfish. The two-pronged attack, says Carpenter, has yielded very promising results. "It seems to be working. The aquatic plants are back. That's good because that's fish habitat, and the fish populations are returning to what they were before the rusty got into the lake sometime in the 1980s," said Carpenter.

The two-pronged approach to ridding Sparkling Lake of its rusty crayfish is the key, notes Jake Vander Zanden, a UW-Madison professor of limnology who is helping oversee the experiment.

"One important message is that trapping alone will not do it. There's a synergistic effect with the fish playing an important role," he said. Smallmouth bass and rock bass, says Vander Zanden, are the primary predators of juvenile crayfish, and to some degree bluegills and pumpkinseeds pitch in by eating the smallest crayfish.

The Wisconsin DNR, by manipulating the bag and size limits for anglers fishing Sparkling Lake, has helped establish an optimal population of the fish that routinely dine on the crayfish.

The trapping on Sparkling Lake, however, has been intensive during six years with 280 traps seeded around the lake. Baited with beef liver, the traps snare both native and rusty crayfish, but the natives, Carpenter explains, are returned to the lake. The trapping targets the largest crayfish, those that may be too big for the lake's predators.

The big hope, says Carpenter, is that the experiment will expose a "tipping point," where the combination of trapping and pressure from predator fish pushes the rusty crayfish population to crash, with the lake ecosystem returning to its pre-rusty crayfish state.

"What we are wondering is whether we will reach a tipping point where the fish alone can keep up the pressure," said Carpenter, an authority on such ecological change. "We haven't seen it yet, but we're not prepared to admit there isn't a tipping point."



Vander Zanden says the rusty crayfish infestation in Sparkling Lake, like most lakes where it is found, was probably sparked by a small pioneer group that somehow got into the lake.

At one time, rusty crayfish were used as bait. Misguided attempts years ago to establish the rusty in Wisconsin for commercial purposes also contributed to the spread of the exotic species to 50% of Wisconsin lakes and streams.

The practical upshot of the experiment and the real hope, say Vander Zanden and Carpenter, is that the experimental techniques used on Sparkling Lake can be transferred to other lakes with the help of the many lake associations in Wisconsin. The Wisconsin scientists have addressed lake associations and found a receptive audience.

"We have talked to lake associations," said Carpenter. "If everyone was willing to run half a dozen traps off their dock, it could be very effective."

And one of the best parts of the study, according to the Wisconsin scientists, is that the rusty crayfish is edible.

"The students up at our Trout Lake Research Station have been eating a lot of crayfish," said Carpenter.

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## **Scientists claw back at invaders**

**Lake's rusty crayfish decimated by trapping, boosting fish numbers**

### **Original Story URL:**

<http://www.isonline.com/story/index.aspx?id=480420>

By SUSANNE RUST  
[srust@journalsentinel.com](mailto:srust@journalsentinel.com)

*Posted: Aug. 5, 2006*

The battle against invasive aquatic species has largely been a losing one, with the few victories coming at a sizable cost to native species, water quality and budgets.

But researchers at the University of Wisconsin-Madison and the Wisconsin Department of Natural Resources have successfully wielded a new weapon to fight off the invasive rusty crayfish in northern Wisconsin: a two-pronged maneuver that leaves no collateral damage in its wake.

"It's a targeted approach," said Steve Carpenter, co-investigator of the project and a UW professor of limnology, the study of fresh waters such as lakes and ponds. The approach has proved surprisingly effective and benign to all creatures except the rusty crayfish, which tend to end up on the dinner plates of student volunteers.

The technique is one that individual lake associations could pick up and initiate on their own.

Using intensive trapping and hands-on fish management, the investigators have reduced the rusty population in Vilas County's Sparkling Lake to about 10% of its peak. Carpenter thinks it's possible the few remaining invasive arthropods will follow suit.

If total eradication can't be achieved, said Tim Kratz, the director of the university's Trout Lake research station, the hope is researchers can at least tip the ecological scales in favor of the native fish and plant populations - species that can keep the invaders at small, manageable numbers.

Rusty crayfish were introduced to Wisconsin waters in the 1950s. A native of the Ohio River basin, and the states of Ohio, Illinois, Indiana, Kentucky and Tennessee, the crustacean can now be found throughout

New England, the Mid-Atlantic, the upper Great Lakes and New Mexico.

They were likely brought to the state by non-resident anglers to be used as fishing bait.

"It was completely legal" at the time to move bait fish and other aquatic organisms between states and water bodies, said Kratz, but laws now prohibit this kind of movement.

Since its introduction, the rusty crayfish has wreaked havoc on unsuspecting lakes, out-competing native crayfish, clear-cutting aquatic plants, devouring tiny invertebrates - and reducing or destroying several fish populations by demolishing their nursery, feeding and hiding grounds.

"Areas that were once filled with aquatic plants became deserts," Kratz said.

The university's researchers have been investigating invasive species in the North Woods as part of the National Science Foundation's Long Term Ecological Research Network, a nationwide research project initiated in the early 1980s to analyze long-term ecological concerns such as global warming, invasive species, land use and population growth.

They've been watching these critters for more than two decades and have gotten to know them really well.

"Crayfish are omnivores," Kratz said, and one of their favorite foods is "the slimy scum" that coats the leaves of aquatic plants.

But while a native crayfish will gently climb a plant's stalk to scrape away at a leaf, a rusty will knock the whole plant over by snipping it at its base, leaving swaths of denuded terrain on the bottom of several northern lakes.

"We were concerned about people who fish on these lakes, so we wanted to try to find away to greatly reduce, or eradicate them (the crayfish) in way that a lake association or individual could do on their own," he said.

That meant without chemicals, high-tech equipment or great expense.

Over-harvesting by trapping was one method they agreed could work.

"As humans, we have a pretty good track record for over-harvesting," Kratz said. But he and others, such as Carpenter and Jake Vander Zanden, a UW limnologist, knew that wouldn't do it alone. While effective at getting larger individuals, trapping misses the smaller guys.

But they knew fish such as bluegill, pumpkinseed, walleye, bass and musky like to eat smaller crayfish. If they could raise and maintain the numbers of those fish - which had largely been wiped out in most of the invaded lakes - then maybe in conjunction with trapping, they could make some headway.

With help from the DNR, they set up fishing regulations on the lake that would ensure a steady supply of predators: One-per-day catches on all game fish, and minimum lengths at 18 inches for smallmouth and largemouth bass, 40 inches for musky and 28 inches for walleye.

They also set up 280 traps around the 110-acre lake, which they checked every two or three days. They captured the rustys and freed the natives.

The first two years were a little disappointing, said Kratz: They were catching, on average, more than 30 crayfish per trap. But by the third year, they started to see a change. Now, in the sixth year of the study, they are seeing fewer than one per trap.

Kratz and Carpenter said local lake associations, including those at Plum Lake and Star Lake, have expressed interest in starting their own programs.

The study on Sparkling Lake is expected to run for at least another year, Kratz said.

However, the lesson that should be learned from the rusty experience, Carpenter said, is how to prevent such invasions from beginning in the first place:

"Prevention is key," he said.

## **Rusty crayfish being removed from Lake Ottawa**

Vilas County News-Review

July 26, 2006

The Ottawa National Forest, in cooperation with the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources, has been working on a project to remove rusty crayfish from the waters of Lake Ottawa, located about five miles west of Iron River, Mich., in the Ottawa National Forest.

Rusty crayfish are a non-native aquatic invasive species that have caused damage to lakes across the Midwest and have been introduced into the waters of Michigan's Upper Peninsula by anglers coming to the area and releasing live bait.

The native crayfish are unable to compete with the rusty crayfish, resulting in the loss of native crayfish, reducing diversity and stripping the lakes of much of its aquatic vegetation.

An investigation of the impact of the rusty crayfish on Lake Ottawa has shown that the aquatic vegetation of the lake has been reduced from 12 submersed and three floating-leaved species to four submersed and two floating-leaved species. The rusty crayfish have also destroyed all native crayfish in this lake.

In 2005, a decision was implemented to remove more than 10,000 rusty crayfish from the lake using trawling nets. This was only a fraction of the invaders and it was determined that this year, intensive trapping would be implemented using commercial crayfish traps in an effort to eliminate the remaining crayfish in the lake.

The 38 traps that have been set up will be checked about twice a week by Notre Dame researchers who have been working on the rusty crayfish issue with employees of the Ottawa for the past five years. The project, which began again July 6, will continue throughout the rest of the summer until all of the rusty crayfish have been destroyed. The project will continue to be monitored to evaluate its effectiveness.

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# College Sports Reform: Tempus Fugit

A COLLEGE ATHLETICS CLIPS GUEST COMMENTARY

*ED. Is the NCAA "the best monopoly in America?" Our author makes a compelling case*

*by Frank G. Splitt*

*Posted October 1, 2006*

**ON SEPTEMBER 7**, retired Motorola VP Dick Carsello, a classmate at Arthur J. Schmitt's Fournier Institute of Technology and my lifelong best friend, succumbed to sudden cardiac arrest while exercising at Motorola's Wellness Center in Plantation, Florida. Dick, a father of nine and a picture of health, had just turned 76. He was the last of my three closest friends and confidants – all died within the last two years, before or just after their 76th birthdays. I turn 76 on Nov. 2nd – so my tendency of late has been to do what I can while I can.

In a lengthily phone conversation the week before his death, Dick said he was concerned about the potential impact on my health of the frustration I was experiencing with my work on collegiate athletics – saying "no matter how right the cause and how well you make the case, you will never be able to overcome the big-money and political power behind college sports." I told him that I was coming to exactly the same conclusion, but was not yet ready to give up.

I shared the above with Brad Wolverton during the course of an interview for his Sept. 22, Chronicle article, "Congress Broadens Inquiry into College Sports, Focusing on Academic Problems and Lucrative Programs." The publication of the article buoyed my hopes a bit. The 'word' was getting out about the potential benefit of speaking truth to power via the House Ways & Means Committee. Nevertheless, I still have my doubts that these inquiries will ever lead to substantive congressional hearings no matter how well the staffers make the case. Why so?

The issues surrounding the NCAA cartel and its detrimental effect on America's educational system, its youth, and its future position on the world stage, never seem to rise above the clutter on the national radar screen. This, despite Stefan Fatis' and Skip Rozin's articles in the *Wall Street Journal*, the *Indianapolis Star's* breakthrough series on college sports financials by Mark Alesia earlier this year, and the above average coverage by Pete Thamel and others at *The New York Times*.

It was also noteworthy that the Spellings Commission on the Future of Higher Education did not address the issue in its final report (see links to my related comments below). But not knowing the circumstances and the players (aside from Jim Duderstadt), who am I to say what went on behind closed doors? However, I did find a small bit of comfort in Commission Chair Miller's Sept. 20 letter to Spellings (see link below).

Today, the Congress has a long list of important, if not vital, unfinished legislative business -- and this will always be so. Still they had time to probe the H-P corporate spy scandals, see "Probing the Pretexters: Congress Grills Hewlett-Packard Executives Over 'Sleaze' Investigative Tactics," [*The Wall Street Journal*, p B1, Sept. 29, 2006].

Needless to say, the Congress has no fear of H-P, but confronting the NCAA cartel appears to be quite a different story for reasons aptly described in the 1998 book, *College Athletes for Hire* by Allen Sack and Ellen Staurowsky. No doubt, many, if not most, members of Congress consider taking on the best monopoly in America to be political suicide -- no matter the long term harm to America resulting from the high-jacking of its education system by the college sports entertainment business. It is instructive to recall what Thomas Jefferson wrote in 1816: "*If a nation intends to be ignorant and free, it expects what never was and never will be.*" We in America have a serious sports addiction problem. Apparently, we are willing to pay any price to feed our habit and satisfy an almost insatiable appetite for entertainment as well as gambling. Where is the outrage amongst the political leaders of our time?

Throughout my writing on collegiate athletics, I continue to be haunted by Thomas Paine's 230-year old words: *"Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason."*

I still hope that, in the end, right will overcome might. But we do not have that much time, and, as I was constantly reminded by my high school Latin teacher, "Tempus fugit!"

**Frank G. Splitt**, a former McCormick Faculty Fellow at Northwestern University's McCormick School of Engineering and Applied Science, is a member of The Drake Group and the recipient of its 2006 Robert Maynard Hutchins Award "for his courageous defense of academic integrity in collegiate sports." His essays and commentaries on college sports can be found at <http://www.thedrakegroup.org/splittessays.html>.

Frank Splitt's related comment re: Spellings Commission on the Future of Higher Education: <http://insidehighered.com/news/2006/09/27/spellings> and [http://www.thedrakegroup.org/Splitt\\_College\\_Athletics.pdf](http://www.thedrakegroup.org/Splitt_College_Athletics.pdf)  
Commission Chair Miller's Sept. 20 letter to Spellings: <http://insidehighered.com/index.php/content/download/90292/1220299/file/personal%>

## What Spellings Left Out

The following comment is with reference to Senator Kennedy's remarks, "What Spellings Got Right and Wrong," <http://insidehighered.com/views/2006/10/03/kennedy>.

The Senator expressed disappointment that neither the commission nor the Secretary discussed needed reforms of the federal student loan programs. I found it even more disappointing that they did not discuss needed reforms in big-time commercial college sports — the contaminating elephant in the living room of higher education. It is my view that no debate about the future of higher education can move forward effectively without standing up to the NCAA cartel and resolving issues related to the academic side of college athletics.

The power of big-time commercial college sports is especially evident at a major events such as basketball's March Madness, the football-season-ending BCS games, homecoming games and the like. It is difficult to not be taken up in the collective euphoria associated with such events. The customs, traditions, and emotions create an effective cover for what's wrong with college sports. In that atmosphere, even the most thoughtful citizen is apt to be carried away — suffering the loss of his or her critical faculties — not realizing that big-time commercial college sports serve as an incubator for all manner of ills besetting institutions of higher education.

None the least of these ills have been the loss of academic integrity, distraction of school administrators, and a warping of institutional priorities in favor of athletics along with a trickle-down impact on the youth of America. For example, see Selena Roberts' "Football Grows. And Students Go the Way of the T. Rex," [The New York Times, Oct. 1, 2006], and Frank Deford's "No Athlete Left Behind," [SI.com, Sept. 27, 2006, [http://sportsillustrated.cnn.com/2006/writers/frank\\_deford/09/26/mywill/index.html](http://sportsillustrated.cnn.com/2006/writers/frank_deford/09/26/mywill/index.html)].

Roberts provides yet another example of the "student-athlete" ruse and why every effort need be made to hold schools accountable for their performance via disclosure and independent, trustworthy oversight of college athlete academics. Disclosure would help to lift the veil of secrecy that shrouds the phony basis for the tax-exempt status of big-time college sports that helps fuel the athletics arms race.

As we have been reminded by B. D., "Today, the U.S. is a debtor nation, federal entitlements are racing out of control, and Asia is rising." But who cares?

The mantle of leadership in college sports reform has been dropped by the Knight Commission and has yet to be taken up by our elected officials — sadly, it may never be, see "College Sports Reform: Tempus Fugit," [http://thedrakegroup.org/Splitt\\_College\\_Sports\\_Reform.pdf](http://thedrakegroup.org/Splitt_College_Sports_Reform.pdf). For more on the subject, see <http://thedrakegroup.org/splittessays.html>.

Frank G. Splitt, Member at The Drake Group, at 10:01 am EDT on October 4, 2006

# Kudos to Chairman Thomas

A CLIPS GUEST COMMENTARY

by Frank Splitt

Posted 10/09'06

**KUDOS TO CHAIRMAN THOMAS** and his staff for structuring a thoughtful letter of inquiry to NCAA President Myles Brand, to Elia Powers for his article "Ball's in the NCAA's Court," as well to the editors of *Inside Higher Ed* for providing this discussion forum on whether the lawmaker's demand that the association justify college sports' nonprofit status is grandstanding or a serious attempt at reform, Web Link [1] at the end of this commentary.

It has been a long haul getting the 'stone' of college sports reform just this far up the hill. Indeed, it has been a Sisyphus-like effort requiring the utmost in perseverance and courage from all involved to simply try to get the NCAA to answer pertinent questions relating to its educational mission and finances.

Given the swift responses and arguments by ardent defenders of the status quo, these virtues will be needed even more so to move the stone to the next level. Moving to the next level will certainly not happen without strong leadership that can stand up to the huge amount of money as well as the very powerful legal and lobbying forces at the command of the NCAA cartel.

To get a sense of the magnitude and ubiquitous nature of these forces, we need only look back at the story of the cartel's suppression of the 1977 Unrelated Business Income Tax case brought against Texas Christian University by the Dallas office of the IRS – aptly described by Allen Sack and Ellen Staurowsky in their 1998 book, *College Athletes for Hire: The Evolution and Legacy of the NCAA's Amateur Myth*.

This first step up the hill was not taken overnight. The NCAA's proposed reforms in the wake of the University of Colorado Boulder recruiting scandal came under critical review at a May 2004, House Energy and Commerce subcommittee hearing that was called by Chairman Cliff Stearns, R-FL, to examine the NCAA response to the recruiting practices and policies of intercollegiate athletics. Chairman Stearns mentioned a possible motivational tool for Congress to get what it wants: the tax-exempt status of NCAA programs, saying: "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." Representative Jan Schakowsky, D-IL, and the Ranking Minority Member, said: "I'm concerned that some of the new proposals don't go far enough." These remarks spawned hope that the NCAA and its members would have to tell the truth about its financial operations [2].

Congresswoman Schakowsky helped set the stage for the work in the House Committee on Ways and Means with her Mar. 17, 2005, remarks for the Congressional Record and her "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" [3].

Also, parts of my recent commentary on Senator Kennedy's remarks, "What Spellings Got Right and Wrong," seem especially apropos [4]. Therein, I expressed disappointment that neither the Spellings Commission on the Future of Higher Education nor the DOE Secretary discussed needed reforms in big-time commercial college sports – the contaminating elephant in the living room of higher education – saying:

"It is my view that no debate about the future of higher education can move forward effectively without standing up to the NCAA cartel and resolving issues related to the academic side of college athletics.

**THE POWER OF BIG-TIME COMMERCIAL COLLEGE SPORTS** is especially evident at major events such as basketball's March Madness, the football-season-ending BCS games, homecoming games and the like. It is difficult to not be taken up in the collective euphoria associated with such events. The customs, traditions, and emotions create an effective cover for what's wrong with college sports. In that atmosphere, even the most thoughtful citizen is apt to be carried away — suffering the loss of his or her critical faculties — not realizing that big-time commercial college sports serve as an incubator for all manner of ills besetting institutions of higher education.

None the least of these ills have been the loss of academic integrity, distraction of school administrators, and a warping of institutional priorities in favor of athletics along with a trickle-down impact on the youth of America. For example, see Selena Roberts' "Football Grows, And Students Go the Way of the T. Rex," [The New York Times, Oct. 1, 2006], and Frank Deford's Sept. 27, 2006, *SI.com* article, "No Athlete Left Behind," [5].

Roberts provides yet another example of the "student-athlete" ruse and why every effort need be made to hold schools accountable for their performance via disclosure and independent, trustworthy oversight of college athlete academics."

**SO WHAT'S THE RUSE?** It's the school's admission, rostering, and – in many, if not most, cases -- exploitation of highly talented, but educationally disadvantaged, athletes to build cash-generating, competitive (quasi-professional) teams for their college sports entertainment businesses. Many of these academically unprepared athletes must pretend to be students while having a full-time athletic job, missing numerous classes, and likely coming dead tired or leaving early for others. Buckley compliant disclosure of their academic performance would help end a fleecing of U. S. taxpayers by lifting the veil of secrecy that shrouds the phony basis for the nonprofit status of big-time college sports ... a tax benefit amounting to subsidization of the athletics arms race at taxpayer's expense.

The mantle of leadership in college sports reform has now been taken up – at least in part – by the House Committee on Ways and Means. Hopefully, this committee, along with investigative reporters, can throw the light of truth on the NCAA cartel's policies and modus operandi that not only promote winning at any cost, but, in effect, reward consequent academic corruption. The next step would be to cut through the NCAA's classic defense – mantra-like repetition of "We're not academic policemen."

Chairman Thomas' inquiry has the potential for initiating a breakthrough in college-sports reform – helping to restore academic and financial integrity in our institutions of higher learning. Recall that Supreme Court Justice Louis Brandeis said: "Sunlight is said to be the best of disinfectants." Far from "political grandstanding," this may very well be our last best chance to clean up the mess in big-time college sports as well as begin a debate aimed at getting America's educational priorities in line with the new global realities.

For more on the subject, see PUBLICATIONS and SPLITT ESSAYS available at The Drake Group Website [6].

### **Web Links**

1. <http://insidehighered.com/news/2006/10/06/ncaa>
2. [http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf)
3. [http://www.youngvotersprogram.org/speech\\_detail.php?speech\\_id=96981&keyword=&phrase=&contain=](http://www.youngvotersprogram.org/speech_detail.php?speech_id=96981&keyword=&phrase=&contain=)
4. <http://insidehighered.com/views/2006/10/03/kennedy>
5. [http://sportsillustrated.cnn.com/2006/writers/frank\\_deford/09/26/mywill/index.html](http://sportsillustrated.cnn.com/2006/writers/frank_deford/09/26/mywill/index.html)
6. <http://thedrakegroup.org/>

*This commentary by Frank Splitt – Member of the Drake Group - was originally posted on insidehighered.com on 10-9-06. This commentary has been posted on Clips with the express permission of the author. The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*



## Further to the Thomas-to-Brand Letter

*Ed.— Readers of Clips Guest Commentaries may have already surmised that Frank Splitt's commentaries on college sports reform have a higher purpose than what meets the eye. He has been calling attention to the negative impact of our sports addictive culture on the future well being of our nation's youth, education system, and, consequentially, to America's place as a world leader. He does it again in the following.*

*Here's a wide-ranging commentary describing potential Congressional intervention of college athletics in richly-worded passion.*

**by Frank Splitt**

### Preface

The following comments, "A Question of Values and Priorities" and "Continuing Tax Breaks for Corporate Sponsors?," go beyond those made in, "Kudos to Chairman Thomas." The comments have links to the referenced material at *InsideHigherEd.com* and to my previous essays and comments accessible at URL: <http://thedrakegroup.org/splittessays.html>. The reader is encouraged to read the *InsideHigherEd.com* columns and associated comments for valuable insights into the issues surrounding serious college sports reform.

It is my understanding that the NCAA has requested an extension of the due date for their response to House Committee on Ways and Means Chairman Thomas' letter of inquiry and have been granted a two-week extension to Nov. 13, 2006 – all the more time to contemplate the future course of events should the Democrats take over control of the House. According to an Oct. 15, column by *New York Post* reporter Richard Tedesco, the NCAA's tax-exempt status – and the \$503 million it gets from CBS to televise its March Madness basketball tourney – could face a full-court press from Rep. Charles Rangel next year

### A Question of Values and Priorities

It was disappointing to see Paul Thacker report in "Uncertain Outlook for Science Funds" that, notwithstanding strong congressional support, the passage of funding authorization for President Bush's American Competitiveness initiative is iffy — ostensibly because of calendar and electoral politics, [*Inside Higher Ed*, Oct. 11, 2006]. Hopefully, this is not a harbinger of things to come in the congressional challenge to the NCAA's tax-exempt status reported in Elia Power's "Ball's in NCAA Court," [1].

Last week's action by the House Committee on Ways and Means — questioning the tax-exempt status of the NCAA — is considered to be a significant milestone on the path to reform in big-time college sports. This reform could lead to a reversal of the priorities seen on many of our big-time college campuses. Simply stated, these priorities are athletics-over-academics and Sports-over-STEMS, where STEMS stands for Science, Technology, Engineering, and Technology. See related essays; [2, 3], and, to these I would add Murray Sperber's book, *BEER AND CIRCUS: How Big-Time College Sports Is Crippling Undergraduate Education*.

Given America's obsession with sports, it is difficult to imagine how supporters of the House Ways and Means Committee's effort could ever muster the level and robustness of the bipartisan congressional support garnered by the Senate and House champions and the National Academies for the competitiveness initiative. This does not bode well for really significant college sports reform any time in the near future — no matter how right the cause and how urgent the need. Nevertheless, the difficulties involved in making successful cases for the competitiveness and college sports reform initiatives, call attention to the need for an examination and assessment of America's values and priorities in the light of the new global realities.

A thoughtful reading of Thomas Friedman's, *The World Is Flat: A Brief History of the Twenty-First Century* and Jared Diamond's, *Collapse: How Societies Choose to Fail or Succeed*, by our political leaders at all levels would provide a good start on this examination and assessment.

### Web Links:

[1] <http://insidehighered.com/news/2006/10/06/ncaa>;

[2] [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America.pdf](http://thedrakegroup.org/Splitt_Sports_in_America.pdf);

[3] [http://thedrakegroup.org/Splitt\\_STEMS.pdf](http://thedrakegroup.org/Splitt_STEMS.pdf).

Frank G. Splitt, member of The Drake Group, at 4:30 am EDT on October 12, 2006

**Authors Note:** *This commentary on Paul Thacker's column first appeared on Inside Higher Ed, URL: <http://insidehighered.com/news/2006/10/11/compete>.*

## Continuing Tax Breaks for Corporate Sponsors?

House Committee on Ways and Means Chairman Thomas' Oct. 2, letter to NCAA President Brand has the potential for initiating a breakthrough in college-sports reform, see Related Story, "Ball's in the NCAA's Court." Not only could this reform help restore academic and financial integrity in our institutions of higher education, but also eliminate government subsidization of "Football is Everything" type advertisements and many others that take advantage of H. R. 2014.

In his classic book, *UNPAID PROFESSIONALS: Commercialism and Conflict in Big-Time College Sports*, Andy Zimbalist advises that H. R. 2014 "exempts from taxation payments made to nonprofit organizations for advertising where comparative or qualitative description is absent." He goes on to point out the absurdity of the law as it is effectively ignored in actual practice.

So, it is to be expected that Rep. Thomas' action will be subjected to intense spin doctoring by defenders of the NCAA cartel and various corporate sponsors — the same folks who lobbied intensely to have H. R. 2014 signed into law in 1997. It has already begun with labeling such as "witchhunt," "politically motivated," and "political grandstanding." The latter labels are indeed perplexing considering the fact that Rep. Thomas is retiring at the end of the year and has no reason to grandstand.

Apparently, there are many who do not see, or, care to see, the enabling academic corruption hiding, as it were, in plain sight. Who but the federal government will be able to address the problems inherent in the fact that the tax-exempt schools are the 'owners' of the college sports entertainment businesses for which they alone provide academic oversight?

Clearly, vested financial self interests drive the need for the schools to do whatever they can to field professional teams of athletes pretending to be students. It's only wrong if you get caught — even then, the penalties are absurdly trivial. The games must go on!

Additionally, the schools always have the NCAA flying cover — touting reform measures that never seem to work — and corporate sponsors, the media, as well as wealthy boosters paving the road to perdition with huge amounts of money. Perdition? See the comments by Murray Sperber and Tom Palaima, as well as "Sports in America 2005: Facing Up to Global Realities," URL: [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America.pdf](http://thedrakegroup.org/Splitt_Sports_in_America.pdf).

**Authors Note:** *This commentary on Doug Lederman's Oct. 19 "Football Is ... Everything?" column on the Nike spoof advertisement – elevating the gridiron over the classroom – that struck some professors and sports officials as unfunny, first appeared on Inside Higher Ed, URL: <http://insidehighered.com/news/2006/10/19/nike>. The URL for the "Ball's in the NCAA's Court" story is: <http://insidehighered.com/news/2006/10/06/ncaa>.*

*This commentary by Frank G. Splitt, member of The Drake Group, was submitted to College Athletics Clips on 10-20-06.*

## Reform in College Sports Requires Government Intervention

*Ed: Frank Splitt decrees that the NCAA is "still the very best" monopoly in America, and in his latest commentary he pounds away at the NCAA's tax-exempt status.*

by Frank G. Splitt

NCAA President Myles Brand was at his quintessential "razzle-dazzle" best during his Oct. 30, speech at the National Press Club – using the occasion to hark still another NCAA reform measure long on high-sounding rhetoric and short on substantive workable/enforceable initiatives ["Urging Presidents to Step Up," *Inside Higher Ed*, Oct, 31, 2006, <http://insidehighered.com/news/2006/10/31/ncaa>].

Jim Duderstadt cut to the quick on the NCAA's latest attempt to clean up big-time college sports, saying: "he had reluctantly reached the conclusion that neither individual college presidents nor sports groups like the NCAA can "take on the dragon of college sports." Perhaps Congress, he said — with its threat of changing the tax code — "is our last hope to do something." Why would he ever say anything like that? Here's my view:

Back in 2002, a panel of Harvard economists considered the NCAA to be the best monopoly in America. I believe it is still the very best. Over the years the NCAA cartel evolved a modus operandi that has proved to be eminently successful at expanding its commercial interests in the big-time college sports entertainment business while maintaining its tax-exempt status as an institution of higher education and thwarting significant reform. The latter has been accomplished by creating illusions of reform as well as co-opting several reform-minded organizations, using presidents, governing boards, and lobbyists to help maintain the status quo.

Given the enormous broadcasting revenues at stake, the NCAA suffers from a severe case of self conflict ... conflict between its sometimes-contradictory roles as promoter and governor of intercollegiate athletics. Simply stated, the NCAA cartel is wholly incapable of reforming itself.

I believe NCAA President Brand to be a sincere person of high integrity with the best of intentions as well as an understanding of the perilous future faced by college sports unwilling to undergo serious reform. However, that said, he must also be an incredibly naive person if he accepted the highly compensated NCAA presidency not knowing that he was going to be used as the academic front for the cartel's ever expanding commercial interests. If he did know, it was a classic Faustian bargain.

The NCAA uses Brand to tout their phony "collegiate" (as opposed to professional) athletics model, the oxymoronic "student athlete," and lofty-sounding academic and financial reform measures. Academic reform measures are not only superficial, but also apparently designed to cover academic fraud (required to recruit and maintain eligibility for professional athletes pretending to be students) as well as to deceive the government so as to maintain the NCAA's tax-exempt status as an institution of

higher education. The NCAA's financial reform measures outlined by President Brand at the National Press Club will be extremely difficult to implement at best, and complete nonstarters at worst.

Furthermore, Brand has been used by the NCAA cartel to dismiss the commonsense proposals of reform-minded individuals and organizations as "extreme" or "radical." But why so? Although these proposals would work to reclaim academic primacy as well as restore academic and financial integrity in America's institutions of higher education, the NCAA no doubt considers these proposals to be detrimental to the financial interests of the cartel's big-time commercialized college sports entertainment businesses.

For sure, the NCAA cartel has not provided President Brand with a mandate and the means to affect really serious reform, that is, empowered him to emulate the actions taken by Judge Kenesaw Mountain Landis to cleanup Major League Baseball in 1919. As the NCAA's chief spokesperson, he is required to tout the health of the cartel's college sports business while attempting to sell vacuous reform measures along the way. If he continues in this mode, he might do well to take a lesson from the 2002 Academy Award winning best picture, "Chicago" – noting Richard Gere's terrific "razzle-dazzle" performance as the town's slickest lawyer with a super talent for turning notorious defendants into local legends.

On campus, presidents follow the golden rule: "They who have the gold rule." And who is going to reform the tax law that benefits their sports-crazed multimillionaire donors, many of whom are influential trustees whose contributions to athletics are tax deductible and who use their school's athletic programs as ego-enhancing playthings?

The only hope for significant reform in big-time college sports is via quid-pro-quo government intervention – beginning with the congressional action described in "Ball's in NCAA's Court," URL <http://insidehighered.com/news/2006/10/06/ncaa> and by George Will in his Oct. 25, *Washington Post* Op-ed "Time to question tax-exempt status of college football factories." For more on quid-pro-quo government intervention, see "What Congress can do about the mess in college sports," URL <http://thedrakegroup.org/splittessays.html>.

**Note:** This commentary is based in large part on a letter headlined "Time to reform NCAA athletics," submitted on Oct. 28 to the *Daily Herald* and on my Oct. 31, comment, "Reform in College Sports Requires Government Intervention," on Doug Lederman's *Inside Higher Ed* column "Urging Presidents to Step Up."

*This commentary by Frank Splitt – Member of the Drake Group - was posted on College Athletics Clips on 11-5-06.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

*[Ed.-As always, College Athletics Clips welcomes guest commentaries espousing all viewpoints. We would like to repeat our invitation to others for any and all viewpoints: for and against cartels, tax-exempt status, the arms race, academic integrity, academic chicanery, whatever. Bring them on. To submit a commentary, please email to [nick@collegeathleticsclips.com](mailto:nick@collegeathleticsclips.com)]*

# Notes on Independent Study and More

## *Inside Higher Ed*

November 7, 2006

### Independent Study Courses for Athletes

As reported, an Auburn University panel has found that independent study courses that gave many athletes major boosts in their averages were apparently quite easy for non-athletes as well. While the report found key flaws in the way the courses were run, it didn't find special treatment for athletes [Inside Higher Ed, Nov. 6, 2006, <http://insidehighered.com/news/2006/11/06/qt>].

The finding of the Auburn panel should come as no surprise. Athletic Support (Eligibility) Center staff need only work with compliant school administrators and faculty to assure that these courses are open to all students and that there is no evidence that athletes are given special treatment. So, everybody gets an A and it's all 'legal.'

Sadly, this kind of academic corruption is not limited to Auburn. Nonetheless, it provides a salient example of why there will never be meaningful reform in big-time college sports without disclosure that can illuminate this and other clever forms of academic corruption that are employed to obtain and maintain eligibility for athletes pretending to be students. This kind of disclosure may very well be forced upon the NCAA and its member schools by congressional action. For more, go to URL <http://thedrakegroup.org/splittessays.html>.

**Frank G. Splitt**, Member at The Drake Group, at 10:25 am EST on November 7, 2006

## **DAILY HERALD**

Fence Post

November 8, 2006

### Time to reform NCAA athletics

Given the enormous broadcasting revenues at stake, the NCAA faces a conflict between its sometimes-contradictory roles as promoter and governor of intercollegiate athletics.

The NCAA cartel is incapable of reforming itself. And who is going to reform the tax law that benefits sports-crazed multimillionaire donors, many of whom are influential trustees who use their school's athletic programs as playthings?

I believe that NCAA President Myles Brand is a sincere person of high integrity with the best of intentions as well as an understanding of the perilous future faced by college sports unwilling to undergo serious reform.

However, he must also be an incredibly naive person if he accepted the highly compensated NCAA presidency not knowing that he was going to be used as the academic front for the cartel's ever expanding commercial interests.

The NCAA uses Brand to tout their phony "collegiate" (as opposed to professional) athletics model, the oxymoronic "student athlete," and lofty-sounding academic reform measures.

The latter are not only superficial, but also apparently designed to cover-up academic fraud (required to recruit and maintain eligibility for professional athletes pretending to be students) as well as to deceive the government so as to maintain the NCAA's tax-exempt status as an institution of higher education.

For sure, the NCAA has not provided Brand with a mandate and the means to affect really serious reform, that is, empowered him to emulate the actions taken by Judge Kenesaw Mountain Landis to cleanup MLB in 1919.

Furthermore, Brand has been used by the NCAA cartel to dismiss the commonsense proposals of reform-minded individuals and organizations as "extreme" or "radical."

But why?

Although these proposals would work to reclaim academic primacy as well as restore academic and financial integrity in America's institutions of higher education, the NCAA no doubt considers these proposals to be detrimental to the financial interests of the cartel's big-time commercialized college sports entertainment businesses.

Our only hope for significant reform in big-time college sports is via government intervention – beginning with the congressional action described by George Will in his Oct. 25, column "Time to question tax-exempt status of college football factories."

Frank G. Splitt  
Mt. Prospect

*The following appeared as a comment on Doug Lederman's Nov. 14 Inside Higher Ed column, "Putting the 'Lame' in Lane Duck Session," URL <http://insidehighered.com/news/2006/11/14/congress>.*

### **Congress needs to keep up the heat on the NCAA**

As readers have likely surmised from my essays and commentaries, <http://thedrakegroup.org/splittessays.html>, I believe meaningful reform in big-time college athletics will have a positive impact on America's long-term domestic as well as international economic outlook. Therefore, it should be a bipartisan issue, particularly with regard to the broad legislation designed to strengthen American competitiveness, see URL <http://insidehighered.com/news/2006/10/11/compete>.

It would be sad to see the House Committee on Ways & Means effort be abandoned or given a low priority. Chairman Thomas' questions in his Oct. 2 letter to NCAA President Myles Brand deserve truthful answers — that is to say, not the usual NCAA PR blather about their phony "collegiate" (as opposed to professional) athletics model, the oxymoronic "student athlete," and lofty-sounding academic reform measures that are ineffective to say the least. This past Sunday's editorial in the Boston Herald, "Time for Congress to quiz the NCAA," got to the heart of the matter, URL <http://news.bostonherald.com/edit...ew.bg?articleid=166842&srvc=home>.

The favorite questions of the Herald's editorial staff were: "Are the NCAA's member institutions accepting athletes who would not otherwise be admitted but for their athletic prowess?" and "What actions has the NCAA taken to assess the substance of the courses athletes are taking, and, more generally, the quality of the education athletes receive?"

The NCAA's answers will throw some light on the phenomenon of students getting course credit for making the team, or, even without class attendance. These are but two of the many examples of academic fraud utilized by America's football and basketball factories to recruit and maintain eligibility for professional athletes pretending to be students as well as to deceive the government so as to maintain the NCAA's tax-exempt status as an institution of higher education.

Their answers may also tell how the NCAA is able to verify the evidence of academic achievement of a school's athletes when it is in the vested self interest of the self-reporting schools to just plain cheat to remain eligible to play in the big money games with the best team they can get away with.

**Frank G. Splitt**, Member at The Drake Group, at 2:25 pm EST on November 14, 2006

# How About a Quid Pro Quo?

a CLIPS GUEST COMMENTARY

*Our highly principled author proposes verifiable checks to keep everyone on the up and up vis-a-vis academic benchmarks for student-athletes.*

*by Frank Splitt*

*PREFACE – This comment followed Elia Powers' November 16, 2005, "Inside Higher Ed" column, "The NCAA Responds," [insidehighered.com/news/2006/11/16/ncaa](http://insidehighered.com/news/2006/11/16/ncaa), wherein the author summarizes NCAA President Myles Brand's response to a series of questions posed by House Committee on Ways & Means Chairman Bill Thomas that were aimed at ascertaining the justification for the tax-exempt status of the NCAA and its member schools. Predictably, Brand did not give cogent answers to questions related to the academic life of college athletes – taking refuge in the privacy provisions of the Family Education Right to Privacy Act (FERPA).*

**SCANDALS AND MULTIMILLION DOLLAR COACHING CONTRACTS** make for attention-getting headlines and stories. However, the core of the issue surrounding the tax-exempt status of the NCAA cartel and so-called 'student-athletes,' is this: lacking tangible and verifiable evidence, the government must presently take the word of school administrators that athletes are really students on track to receive a bona fide, rather than a "pretend" college education. Course tracks for athletes that must pretend to be students are usually engineered by academic support center staff members who work at the behest of the school's athletic department. This is a surefire recipe for academic corruption since the primary motivation for the athletic department is not education, but winning and revenue generation.

As Walter Byers, who served as NCAA executive director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: "Believe me, there is a course, a grade, and a degree out there for everyone."

It gets down to the fact that the government is now in a position where it must trust schools that, in many instances, give every appearance of being secretive and untrustworthy. Besides the potential loss of big-money, there is a compelling need for some schools to report very high graduation rates to justify/rationalize their high-profile programs and their extraordinary investments in academic support center staffs and facilities.

The above, combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. After all, the schools apparently believe that it's only wrong if they get caught. But, who's going to catch them and what's to lose if they do get caught?

Also, school administrators seem to believe that outcomes assessment is none of the government's business and are quick to appeal to the privacy provisions of the Family Education Right to Privacy Act (FERPA) to avoid disclosure, especially in the case of the academic performance of the athletes in their moneymaking sports programs. However, FERPA's privacy provisions do not apply so long as individual students are not identified in aggregated data.

**A 'QUID PRO QUO' TACTIC** would make the NCAA cartel's tax-exempt status contingent upon the provision of tangible and verifiable evidence that their athletes are really students and that the cartel is meeting requirements aimed at reclaiming academic primacy in higher education while assuring that college athletes are provided with an opportunity to obtain a real college education.

Many would say that a government quid pro quo with the NCAA and its member schools is long overdue. In fact, it was suggested by Congressman Cliff Stearns (R-FL) at a House subcommittee



hearing in the fall of 2004 to review proposed changes in NCAA rules in response to the 2003 recruiting scandal at the University of Colorado at Boulder. It is certainly not a new idea, but, in view of NCAA President Myles Brand's 'empty' response to Chairman Thomas' Question # 8, it is an idea whose time has come. (Chairman Thomas' questions and Myles Brand's responses can be found at [www2.ncaa.org/portal/media...\\_to\\_housecommitteeonwaysandmeans.pdf](http://www2.ncaa.org/portal/media..._to_housecommitteeonwaysandmeans.pdf))

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

1. Disclosure of courses taken by Buckley compliant cohorts representing 50% of the school's football and basketball team players with the most playing time, the average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses, and whole-period class attendance;
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.

Finally, failure to implement and comply with these corrective measures over a reasonable amount of time (determined by Congress) 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.

*Frank Splitt is a member of The Drake Group. His commentary was originally posted on [insidehighered.com](http://insidehighered.com) on 11-16-06, in response to Elia Powers' column "The NCAA Responds." This commentary has been reprinted on [College Athletics Clips](http://CollegeAthleticsClips.com) with the permission of the author.*

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<http://thedrakegroup.org/splittessays.html>

# The Student-Athlete: An NCAA False Claim?

a CLIPS GUEST COMMENTARY

*House Ways and Means Committee Chairman William Thomas had questions, NCAA President Myles Brand had answers, and now The Drake Group's Frank Splitt presents an incisive interpretation to one of the responses to use it as a means to amplify calls for the disclosure of the academic records of college athletes.*

**by Frank G. Splitt**

**BACKGROUND** – According to Walter Byers, who served as NCAA executive director from 1951 to 1987, the term 'student-athlete' was coined by the NCAA in the 1950s to counter the threat that its newly implemented play-for-pay, grant-in-aid athletic scholarship policy could result in NCAA athletes being considered paid employees by Workers Compensation Boards and the courts. The term was immediately embedded in all NCAA rules and interpretations as a mandated substitute for words such as players and athletes [1].

Subsequently, NCAA marketing and PR departments have effectively branded the term to serve the public relations and advertising needs of the NCAA. It is apparent that the term is now used – mantra-like – by NCAA officials in speeches and interviews, as well as in NCAA press releases and other official communications as a means of brand extension. As a case in point, the term appeared no less than 68 times in NCAA President Myles Brand's November 13, 2006, letter to House Committee on Ways & Means Chairman Bill Thomas.

The NCAA's seemingly incessant use of the contrived student-athlete term is a deceptive way of getting their listening and reading audiences – the general public, the media, and especially NCAA-school athletes and government officials – to believe that big-time NCAA-school athletes are students rather than school employees working as athletic entertainers. Put another way, the obvious aim of this NCAA gambit has been to imprint in the minds of all, that college athletes are first and foremost students. But how can the NCAA really know this is so? It can't. The answer lies in the last part of NCAA President Myles Brand's response to a question by Chairman Thomas.

**THE QUESTION AND RESPONSE** – Thomas' Question # 8.a. followed his context-setting remark: *In recent years, there have been many reports of athletes taking college courses that lack academic rigor. Several schools have reportedly steered athletes toward professors and academic majors that are less challenging.*

**Chairman Thomas:** *What actions has the NCAA taken to assess the substance of the courses athletes are taking and, more generally, the quality of the education athletes receive?*

**NCAA President Brand:** *The NCAA is in the process of collecting survey data in two projects with both recently graduated student-athletes and those who have graduated over the last decade about what degrees they selected, why those degrees were selected and whether they were steered toward specific degree programs. Those data have not been fully compiled and will not be available until the spring of 2007.*

*It is important, however, to understand that the faculty of each college or university, rather than the NCAA, determines the courses that will be taught, the standards for instruction and the requirements for degrees. They are also responsible for monitoring against academic abuse or fraud, and they take these responsibilities seriously. It is unlikely that any intrusion by the NCAA into this realm would be either practical, successful or welcomed.*

**COMMENT** – As my TDG colleague, Jon Ericson has said: *Mr. Brand and Athletics Directors are fond of reacting to any questions concerning academic misconduct related to athletics by pointing out that the faculty is responsible for the curriculum. Mr. Brand is, of course, dead-on correct. We call ourselves the guardians of the curriculum.*

Unfortunately, notwithstanding the efforts of the Coalition on Intercollegiate Athletics, most college faculty are attending to their own vested interests and non-provocative business – giving scant, if any, attention to

their duties as guardians of the curriculum and academic integrity as it applies to their school's athletes. Some of these faculty are indeed intimidated by their administrations, athletic directors, and coaches, some are rabid sports fans who enjoy the entertainment and excitement, some just don't care, while still others can't make the connection between the apparent priority of athletics-over-academics at their schools and its negative impact not only on their schools, but also on America's long-term economic health and well being.

In any case, the fact that faculty are indeed responsible for the curriculum but, generally speaking, lack the power and the will to stand up to school presidents and their governing boards is a glaring weakness in academe. This weakness has become a tactical focal point in the NCAA's avoidance-and-evasion strategy that is aimed at countering questions, charges, or examples of academic impropriety in college sports. Therefore, Brand's response was not at all surprising.

**A CONVENIENT TRUTH – The NCAA's ability to employ its avoidance-and-evasion strategy** is based on a convenient truth. As a consequence of its hands-off policy with respect to oversight of academics, the NCAA does not have access to tangible and verifiable evidence on the academic performance of athletes. More to the point, it does not have the facts, as for example, on the courses taken by the athletes, the average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses and whole-period class attendance by athletes. The simple truth is this: the NCAA does not have indisputable evidence that these athletes are really college students as opposed to school employees that have a full-time athletic job while participating in an alternative educational experience.

As a matter of fact, Robert and Amy McCormick, from the Michigan State University College of Law, argue in their *Washington Law Review* paper, "The Myth of the Student-Athlete: The College Athlete as Employee, that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions are not "student-athletes" as the NCAA asserts, but are, instead, "employees" under the National Labor Relations Act [2].

In many, if not most, instances, the aforementioned alternative educational experience is not part of the school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department to maintain the eligibility of the school's athletes. See Palaima [3] for insights into the separate worlds of campus athletics and academics.

It can also be argued that, just like the government, the NCAA must take the word of school administrators that athletes are really students on track to receive a bona fide, rather than a "pretend" college education. The fact that the NCAA has never endorsed proposals for academic disclosure by its member schools [4, 5], seems to indicate that NCAA officials do not want to have public evidence that could prove embarrassing to their cartel's business interests. As far as the NCAA is concerned, its ignorance is bliss.

Simply stated, in the absence of indisputable facts, the NCAA is in a position where it can say that it must trust schools in academic matters. In many instances, these schools give every appearance of being secretive and untrustworthy in matters related to the eligibility of their athletes, for examples see Salzwedel and Ericson [4]. Besides the potential loss of big-money, there is a compelling need for some schools to report very high graduation rates and passing Academic Progress Rates to justify/rationalize their high-profile programs and their extraordinary investments in academic support center staffs and facilities. And that brings us back to the NCAA's extensive use of the term 'student-athlete.'

**AN NCAA FALSE CLAIM? –** Without facts obtained by independent parties, disclosure, and external oversight, how can the NCAA ever know that athletes are really students receiving a bona fide, rather than a "pretend" college education? Without an unequivocal answer to this question that is supported by verifiable evidence – indicating that athletes are progressing on accredited-degree tracks – there appears to be no rational basis for the NCAA to use the term 'student-athlete' when referring to college athletes who are, in effect, full-time employees of their schools. The NCAA's use of the term may very well represent a false claim in violation of laws governing truth in advertising [6].

Finally, without external oversight and a requirement for Buckley-compliant disclosure [4, 7], 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 now beholden to the out-of-control college sports entertainment business.

*This commentary has been written exclusively for College Athletics Clips by Frank Splitt of The Drake Group and was posted on November 21, 2006.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

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# Some Prompts for a Congressional Hearing on College Athletics

a CLIPS GUEST COMMENTARY

***The author expands his argument for government intervention in big-time collegiate athletics by suggesting prompts that could possibly lead to hearings in the next session of Congress.***

by Frank G. Splitt

**INTRODUCTION** – Discussions with staffers in the office of Rep. Jan Schakowsky (D-IL) were initiated as a follow up to the July 2004, publication of “The Faculty-Driven Movement to Reform Big-Time College Sports” [1]. These discussions ultimately led to the congresswoman’s Mar. 17, 2005, remarks for the Congressional Record on The Drake Group’s efforts to bring congressional attention to the need for reform in collegiate athletics [2].

During the course of the discussions, a staffer suggested that I read Pulitzer Prize winning author H. G. (Buzz) Bissinger’s best-selling book, *FRIDAY NIGHT LIGHTS*, a non-fiction account of life and values in the economically and racially challenged west Texas town of Odessa [3].

Bissinger’s book and his *New York Times*’ article [4], “Innocents Afield,” the National Association of State Boards of Education (NASBE) report [5], “Athletics and Achievement,” and Tom Palaima’s essay [6], “NCAA Panel Disses the Faculty,” may help prompt congressional hearings on the current mess in big-time college sports. Beginning with *FRIDAY NIGHT LIGHTS*, here’s why:

**FRIDAY NIGHT LIGHTS** – Bissinger’s story centered on the 1988 Permian Panthers high-school football team. Like big-time college sports in campus communities, Permian football brought the boosters and people of Odessa together to pull for a winning team in a town where victory is prized above all else – no matter the cost. Reading the book was an eye-opening, educational experience as Bissinger presented a disturbing picture of the values and priorities that exist in a football-crazed town, and, in my view, a metaphor for many, if not most, big-time college campus settings.

It came as no surprise that Bissinger served as the editor of the Philadelphia Inquirer as he moved far beyond the sport into a wide-ranging and penetrating sociological commentary on the times and the place. It is this kind of story that we in The Drake Group are telling about the negative consequences of today’s out-of-control, big-time college sports business – recommending the book as background reading for Department of Education and Congressional staffers working on the complex, multi-layered issues related to college sports.

**BISSINGER, WELBURN, AND THE NASBE REPORT** – Seemingly on queue, the *New York Times* published Bissinger’s article, “Innocents Afield,” [4], at about the same time I finished reading his book. In the article, he called attention to the National Association of State Boards of Education (NASBE) report, “Athletics and Achievement” [5]. The report called for more scrutiny of high school athletics to ensure academics are a priority – standing in sharp contrast to the shallow, self-serving reports and testimonials proffered by the NCAA and its ardent supporters. In his *Times*’ article, Bissinger quoted from the following remark by NASBE Executive Director Brenda Welburn:

*State boards of education have a moral obligation to prevent the exploitation of high school athletes. Many of the problems that have plagued college athletics – shoe agents, mercenary coaches, dubious recruiting, and extravagant gifts – are now encroaching upon the high school level. It sends a disturbing message to students and the public about the priorities of our schools.*

Bissinger concludes his article by saying:

*... high school sports will continue to fester into shameful overemphasis in too many places, will continue to emulate the college sports model that is America’s educational shame. Which means that by the time*

*we completely ruin the institution of sports for our teenagers, it will be too late to do anything except appoint a national commission to try to figure out how we could have missed so many warning signs.*

The NASBE report and Bissinger's writings ought to be required reading for all those who have a stake in the future of America's education enterprise. Members of the Spellings and Knight Commissions come first to mind, however, when it comes right down to it, academics-over-athletics should be a priority for all Americans.

**WHY A CONGRESSIONAL HEARING** – In view of NCAA President Myles Brand's vacuous response to several of House Committee on Ways & Means Chairman Bill Thomas' questions, one can only wonder how he would respond to Bissinger's and Welburn's remarks, especially under direct questioning during a congressional hearing. Such a hearing would certainly reveal the hypocrisy in Brand's overall response as well as in the many self-serving testimonials by school presidents and others with vested interests in the perpetuation of the NCAA's phony amateur "collegiate" sports model.

The NCAA's use of the phony collegiate model and 'student-athlete' term to defend their tax-exempt programs and modus operandi has served the NCAA well in the past, but at great cost to America's institutions of higher education. This model and terminology have, to various degrees, spawned a culture of academic corruption in colleges and universities supporting big-time football and basketball programs – contributing in large measure to America's educational shame of today and to its potential lack of competitiveness in the expanding technology-based global economy of tomorrow.

Furthermore, the recently released NCAA Presidential Task Force Report "The Second-Century Imperative," – covering the future of Division I Intercollegiate Athletics – is a good example of the Faustian-like bargain made by college and university presidents not only to get and keep their jobs, but to maintain the status quo as well [6-8].

Taken together, the NCAA's Task Force report and NCAA President Myles Brand's response to Chairman Thomas' questions underscore the NCAA's arrogant obfuscation and the need for a congressional hearing. Why? – to fully expose the association and its secretive ways to the light of day and reveal the true professional nature of big-time college sports as well as its negative impact on America's K-16 education system

Reading Bissinger's *FRIDAY NIGHT LIGHTS* after reading Walter Isaacson's *BENJAMIN FRANKLIN* and David McCullough's *JOHN ADAMS* revealed the significant change over time in America's values with respect to education. I also wonder how Franklin, Adams and our other Founding Fathers would react if they could witness the effects of the distorted values that permeate America's sport-focused high schools and colleges of today, or, if they read the NCAA Presidential Task Force Report and NCAA President Brand's response to Chairman Thomas' questions. Perhaps thoughtful reading of the NASBE report, Bissinger's writings, and Palaima's essay by members of Congress and their staffs could help prompt congressional hearings on the current mess in big-time college sports.

**AFTERWORD** – This is further to my previous comment on the NCAA Presidential Task Force Report "The Second-Century Imperative." In a nutshell, Palaima [7] takes apart the faculty related components of NCAA President Myles Brand's Task Force Report — exposing it for what it really is: A neatly packaged NCAA shift-the-blame cover up based on false accusations. But why should this come as a surprise to anyone? Consider the following:

As stated above, the report provides a good example of the Faustian-like bargain made by college and university presidents not only to get and keep their jobs, but to maintain the status quo as well [9].

President Brand's answer to a question by Chairman Thomas contained a supportive quote from Knight Commissioner Peter Litkins, president emeritus of the University of Arizona, who served as the chairman of Brand's Presidential Task Force.

Thomas' question was: How does the NCAA accomplish its (primary tax-exempt) purpose of maintaining "the athlete as an integral part of the student body?" Litkins, a former collegiate wrestler at Stanford University, was quoted by Brand as saying: "As a university president and former professor of engineering, I have often said that I learned how to be a professor in the classroom, but I learned how to be a university president on the wrestling mat."

Litkins statement, like many NCAA-serving testimonials in the past, tell a wonderful story of how participation in collegiate athletics improves fitness, coordination, and self-discipline while providing the spice of college life in the form of camaraderie, a sense of accomplishment and overall well-being — adding comments about how this participation teaches important life lessons, including dealing with adversity, developing a strong work ethic, learning the value of teamwork and building character. Great and true enough, but can't the same be said for well organized and coached intramural athletics programs?

It is important to note that the NCAA testimonials do not tell how the NCAA accomplishes its (primary tax-exempt) purpose of maintaining “the athlete as an integral part of the student body.” To say the least, it would be interesting to have the reaction of accreditors to this type of ‘evidence’ and alternative education program for athletes wherein the academic credentials and classroom experiences of athletes are so different from those of real college students.

Nonetheless, the testimonials do cover the “sizzling” possibilities part of the NCAA story – the upside. Jim Duderstadt and I, as well as many members of The Drake Group have participated in collegiate athletics and have also experienced some of this upside, but are mindful of, and willing to tell the whole story while working for the remediation of extant problems.

What's confounding is how the public and those giving upside-only testimonials seem to be so willing to gloss over the downside of the taxpayer-subsidized, highly commercialized version of college sports with all of its related academic corruption and serious, multi-layered issues.

Confounding as well, is that the American public is not inflamed over the use of steroids and stimulants that jeopardize the long-term health of middle-school, high-school, and college athletes while often leading to violent behavior.

We live in a sports-crazed society, the real world where it seems that anything goes so long as it's entertaining and big money can be made. There is no cry from the public to put an end to the excesses and corruption of big-time college sports, and, there may never be. Sadly, in the real world, we will also see highly respected notables with a vested interest in the status quo – willing to defend it no matter the cost to the long-term future of America's higher education enterprise.

Isn't that why we have a federal government – to help assure the long-term well being of America by doing what the public and states will not do, or, are not able to do for themselves for whatever reason? It's why The Drake Group has advocated government intervention to clean up the mess in college sports.

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*This commentary by Frank Splitt – Member of the Drake Group - was posted on College Athletics Clips 11-29-06. It is based in large part on his 11-27 and 11-28 comments re: Tom Palaima's column, "NCAA Panel Disses the Faculty," Inside Higher Ed, 11-27-06.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

*As always, College Athletics Clips welcomes guest commentaries espousing all viewpoints. We would like to repeat our invitation to others for any and all viewpoints: for and against cartels, tax-exempt status, the arms race, academic integrity, and academic chicanery, whatever. Bring them on. To submit a commentary, please email to [nick@collegeathleticsclips.com](mailto:nick@collegeathleticsclips.com)*



# Who Accredits Alternative Ed Programs for College Athletes?

by Frank G. Splitt

As I said, with reference to NCAA President Myles Brand's Nov. 13 response to House Committee on Ways & Means Chairman Bill Thomas' letter of Oct. 2, 2006: *It is important to note that the NCAA testimonials do not tell how the NCAA accomplishes its (primary tax-exempt) purpose of maintaining the athlete as an integral part of the student body* [1].

To say the least, it would be interesting to have the reaction of accreditors to this lack of evidence and to the alternative education programs for athletes wherein the academic credentials and classroom experiences of athletes are so different from those of real college students. Can you imagine the impact on alternative education programs for athletes if accreditors required schools to measure what athletes actually have learned? That's exactly what is required of engineering departments in Accreditation Board for Engineering and Technology (ABET) Engineering Criteria 2000.

It would also be interesting to know the accreditation organization responsible for accrediting the general studies degrees described by Jon Solomon in his Oct, 29, 2006, *Birmingham News* article, "Athletes make academic end run." Solomon found general studies and 'Jock' majors prevalent in Alabama schools during the newspaper's investigation this fall. No doubt, similar 'diploma-mill-like' degree tracks have been engineered for athletes in other states by members of their school's academic support center staff.

Of further interest would be:

1. A determination of how the National Advisory Committee on Institutional Quality and Integrity (NACIQI) [2, 3], and the Council for Higher Education Accreditation (CHEA) [4], go about recognizing accrediting organizations that should be determining acceptable levels of institutional success with respect to student achievement. Note that CHEA, a private association of accrediting agencies, is not a statutory committee. Only NACIQI has an official role in the re-recognition process that gets accreditors the DOE's stamp of approval. Recognition by NACIQI should affirm that the standards and processes of the accrediting organization meet the criteria for recognition of accrediting agencies or associations under Subpart 2 of Part H, Title IV, of the Higher Education Act. .
2. NACIQI's position re: the use of the Collegiate Learning Assessment and the Graduate Record Exam as outcome measures of student learning.
3. NACIQI's views on possible breaches of academic integrity at multiple levels in America's higher education enterprise where integrity can be compromised by schools intent on winning at any cost. Rubber-stamp accreditation by weak, or, intimidated accreditation organizations make the breaching task a no-brainer for big-name schools. As Walter Byers, who served as NCAA Executive Director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: *Believe me, there is a course, a grade, and a degree out there for everyone.*

School administrators seem to believe that outcomes assessment is none of the government's business — ignoring the fact that all schools benefit, in one way or another, from government programs. They are quick to appeal to the privacy provisions of the Family Educational Rights and Privacy Act (FERPA) to avoid disclosure of any information that could prove damning or embarrassing, especially in the case of the academic performance of the athletes in their money-making sports programs. An

apparently misinformed President Brand sought refuge in FERPA in his vacuous reply to Chairman Thomas' question: *Would requiring the public disclosure of the professors, courses, and academic majors of athletes help insure that they receive a quality education?*

Without an independent outcomes assessment of student learning, the government has to take a school's word on Graduation Rates and Academic Progress Rates for their athletes. If schools are ever going to produce, collect and publish meaningful information about student outcomes, then NACIQI needs to force accreditors, and, by extension, colleges and universities to do so. Why? Because the NCAA will not require their member schools to do it. Disclosure of aggregated (Buckley-compliant) outcome assessments on the athletes in their football and basketball programs would expose the NCAA's phony student-athlete scheme to the light of day.

In the future, disclosure could enable the provision of tangible evidence justifying the NCAA's tax-exempt status. But that won't even begin to happen until schools require their athletes to perform as real students – maintaining them as an integral part of their student bodies where academic standards of performance for athletes are the same as for the general student body. And that won't happen unless and until disclosure is mandated by NACIQI or by the Congress, for example, as part of a quid pro quo [5].

In the meantime federal tax policy will continue to force parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, 'stadium wars,' tax breaks for wealthy boosters, and other artifacts of the big-time college sports arms race.

## Web Links

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2. <http://www.ed.gov/about/bdscomm/list/naciqi.html>
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**NOTE:** This essay is based, in large part, on the author's Dec. 5, 2006. comment on Doug Lederman's column, "Can You Say NACIQI?" that was posted at *InsideHigherEd.com*, URL <http://insidehighered.com/news/2006/12/05/naciqi>. My appreciation and thanks go to Glen McGhee, Director of the Florida Higher Education Accountability Project (FHEAP), for his helpful comments.

# PART 7: 2007

## PART 7 – ESSAYS & COMMENTARIES: 2007

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21. The Rutgers 1000: A Profile in Academic Courage
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23. Sports in America 2007: Facing Up to Global Realities
24. Going Beyond the Mitchell Report: Cheating in College Sports Via Performance Enhancing Drugs and Academic Corruption
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# Why a Congressional Hearing on Intercollegiate Athletics?

a CLIPS GUEST COMMENTARY

*Our guest author updates his call for congressional scrutiny of the tax-exempt status of the NCAA, along with scandals and multimillion dollar coaching contracts.*

*By Frank G. Splitt, 1-14-07*

**THE INCREASING COMMERCIALIZATION** of big-time (D1-A) intercollegiate athletics and its negative impact on America's higher education enterprise has become evermore apparent to academic leaders, elected public officials, the sports press, and to a growing fraction of the public. After a century of ineffective efforts to reform college sports, there is a growing concern over out-of-control commercialization that is driven by the college-sports entertainment industry to further its financial interests – exploiting college sports and its participating athletes while limiting access to higher education by real students.

There is also concern about compromised academic integrity and the distracting influence of overly commercialized college sports on school officials, on America's youth, and on the nation's prospects as a leader in the 21<sup>st</sup> century's global economy. Accounts of the problems and issues surrounding commercialized college sports, along with congressional scrutiny of the tax-exempt status of the NCAA and intercollegiate athletics, have helped get at the truth about big-time college sports ... the brutal truth that is often obfuscated by myths, misrepresentations, and misinformation promulgated by ardent defenders of the status quo.

Scandals and multimillion dollar coaching contracts make for attention-getting headlines and stories. For example, see Elia Power's "College Sports' \$4 Million Man" [*InsideHigherEd.com*, <http://insidehighered.com/news/2007/01/11/saban>]. However, the core of the issue surrounding the tax-exempt status of the NCAA cartel and its so-called 'student-athletes,' is this: lacking tangible and verifiable evidence, the government must presently take the word of "autonomous" school administrators that the athletes working for 'million-dollar' celebrity and other big-time coaches are really students on track to receive a bona fide, rather than a "pretend" college education.

Course tracks for many athletes that must pretend to be students are usually engineered by academic support center staff members who work at the behest of the school's athletic department. This is a blatant conflict of interest and a surefire recipe for academic corruption since the primary motivation for the athletic department is not education, but winning and revenue generation. As Walter Byers, who served as NCAA executive director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: *Believe me, there is a course, a grade, and a degree out there for everyone.*

The following excerpt from a Dec. 20, 2006, New York Times editorial, "Top Grades, Without the Classes," makes the point:

*The House Ways and Means Committee sent shock waves through college sports when it asked the National Collegiate Athletic Association to justify its federal tax exemption by explaining how cash-consuming, win-at-all-cost athletics departments serve educational purposes. The short answer is that they don't. Indeed, they often undermine the mission of higher education by recruiting athletes who aren't prepared, then encouraging grade-padding and preferential treatment to keep them eligible for sports. That process has been on vivid display at Auburn University, which is embroiled in a scandal involving athletes who are said to have padded their grades and remained eligible to play by taking courses that required no attendance and little if any work.... The deeper and more alarming lesson is that the unethical behavior often associated with big-time college sports doesn't always end with athletes. It can easily seep outward, undermining academic standards and corrupting behavior in the university as a whole.*

As incredible as it may seem, without transparency, oversight and accountability mechanisms, the government is in a position where it must trust schools that, in many instances, give every appearance of not only being secretive, but untrustworthy as well. Most, likely, Auburn is simply representative of what's going on in big-time college sports – the tip of an iceberg of widespread academic corruption. Besides the potential loss of big-money, there is a

compelling need for some schools to report very high graduation rates to justify/rationalize their high-profile programs and their extraordinary investments in staff and facilities for alternative education programs for their athletes.

The above, combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. After all, the schools apparently believe that it's only wrong if they get caught. But, who's going to catch them and what's to lose if they do get caught?

**A COMPELLING ARGUMENT** can be made for a focused congressional hearing on intercollegiate athletics. Such a hearing would fully expose the NCAA and its secretive ways to the light of day – revealing the true professional nature of big-time college sports, its tight connection to the entertainment business, and its marginal relevance to the educational, tax-exempt mission of its member institutions, as well as its negative impact on America's K-16 education system.

It should be clear that just as it would be unwise for the Congress to micromanage intercollegiate athletics; it would be even more unwise for the Congress not to be managing them at all. Without government intervention and oversight there will be no serious reform, only a veil of secrecy shrouding a continuing national scandal that is characterized by a distortion of the mission of our institutions of higher education ... institutions that are now beholden to the out-of-control college sports entertainment business.

Priorities need to be set right at our nation's colleges and universities. Addressing the perverse government subsidization of the NCAA and big-time intercollegiate athletics would be a good start, as it would not only help flip the apparent athletics-over-academics priority at many schools – reconnecting athletics with the academic objectives of the schools – but also provide substantial incremental tax revenues that could help to finance a boost in the federal investment in basic research, recruitment of future Science, technology, engineering, and mathematics teachers, and scholarships for undergraduate students that want to go to college to learn.

Congress could begin by taking steps to hold the NCAA cartel accountable for the substantial financial support it receives from America's taxpayers – giving serious consideration to conditioning the continuation of the NCAA's tax-exempt status on the NCAA meeting specific requirements aimed at increasing the transparency, accountability and oversight of its operations and that of its member institutions.

It can also take a hard look at tax policies governing extortion-like seat licenses, luxury skyboxes, corporate sponsorships and other unrelated business income that help fuel the uncontrolled growth of the big-time college-sports entertainment business. Furthermore, the NCAA should be required to take steps that will permit athletes to function as real students – providing tangible evidence that the athletes in its member institutions attend regular classes on accredited degree tracks and that they are maintained as an integral part of the institution's student body where academic standards of performance for athletes are the same as for all other students.

America's higher education enterprise should be focused on academics not athletics – meaning tax code benefits with emphasis on learning and research, not on commercialized sports entertainment and health-spa-like facilities.

**Endnote** – This essay and the author's January 12 comment on the cited January 11, 2007, *Inside Higher Ed* article by Elia Powers are, in large part, based on a paper titled: "The U. S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," that has been published in the Spring 2007 issue of the *The Montana Professor*, <http://mtprof.msun.edu/Spr2007/splitt.html>

**Frank G. Splitt** is a former Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, a member of The Drake Group, and the recipient of the 2006 Robert Maynard Hutchins Award "for his courageous defense of academic integrity in collegiate sports." His essays and commentaries on college sports reform can be viewed at URL <http://thedrakegroup.org/authors/splitt>

*Mr. Splitt's commentary has been reprinted on Clips on 1-14-07 with the author's permission. The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of the management of College Athletics Clips.*

# Employing Academically Unqualified College Athletes

a CLIPS GUEST COMMENTARY

*Different approaches in Minnesota: while a community college indefinitely suspended its football program, U-Minn flirts with allegedly lower standards by allowing more athletes into sports-themed majors.*

by Frank G. Splitt

## INTRODUCTION

It is widely known that college sports are deeply embedded in our American culture. Not as widely known is that enormous conflict can arise on campuses where the love of sports is coupled with an overbearing drive to use athletics to generate publicity, camaraderie, and, most important of all, money.

Inevitably, circumstances will arise that force parties with opposing points of view on contentious issues to make difficult choices and compromises between competing principles and loyalties – often under great pressure. Nowhere is this more evident than on campuses where faculty members must work to reclaim/maintain academic primacy over athletics, particularly at schools engaged in the athletics arms race that is characterized by skyrocketing salaries for coaches, ‘stadium wars,’ and cutthroat competition for academically qualified athletes.

Unfortunately, the demand for academically qualified athletes, especially for the superb athletes, far exceeds the supply. Thus, in order to stay competitive in a win-at-any-cost environment, schools are forced to recruit and employ superb athletes who are not only academically unqualified, but also unlikely to have a desire to obtain a legitimate education. They simply want to ‘play ball.’ This ‘end-justifies-the-means’ practice can easily lead to academic corruption and regrettable unintended consequences.

Thanks to a pair of informative news pieces posted at *InsideHigherEd.com* on Jan. 24 and 25, 2007, we now have good insight into the prevailing circumstances at Minnesota’s Hibbing Community College and the University of Minnesota. These two schools are confronting the issues surrounding the employment of academically at-risk college athletes with distinctively different approaches. In view of congressional inquiries into the tax-exempt status of the NCAA and intercollegiate athletics, the information contained in the *InsideHigherEd.com* stories is not only relevant, but timely as well. There follow commentaries on each of these pieces.

## NUMBERS NOT LIKELY TO ADD UP AT BIG-TIME SCHOOLS

In her Jan. 24, 2007, *InsideHigherEd.com* column, “When Football Numbers Don’t Add Up,”<sup>1</sup> Elizabeth Redden provides the following eye-catching numbers from Minnesota’s Hibbing Community College:

- The average grade point average for football players at Hibbing over the past five years has been 1.81, compared to the 2.67 average boasted by students on Hibbing’s other six sports teams.
- 90 percent of Hibbing’s football players enroll in at least one remedial course – while the percentage of students on other teams doing remedial coursework ranges from 6 percent (golf) to 61 percent (men’s basketball).

- About 90 percent of the 63 football players come from out-of-state while by and large, the balance of the College's 1,200-student population hails from the local community according to Provost Ken Simberg

These numbers illuminate the downside of admitting academically unqualified athletes to field a winning team – telling a sad tale about schools that can't afford to provide the academic support required by such students.

To its credit, on Jan. 25, Hibbing Community College announced it was indefinitely suspending its football program — acting on concern that most of its football players were not academically on par with other students.

Minnesota's Hibbing Community College's numbers can also tell a tale about big-time college football and men's basketball programs across the nation. Most of these NCAA Div I schools have sports programs that are supported by wealthy boosters (with many sitting on school governing boards). Unlike Hibbing, these colleges and universities are able to invest millions of dollars to provide cover for academic corruption that enables the recruitment and retention of academically unqualified athletes. It's simply a cost of doing business in the big-time college sports entertainment industry. But how could this go on in some of America's most prestigious colleges and universities?

Here, consideration of the tax-exempt status of the NCAA cartel is instructive. The core issue surrounding the NCAA's tax-exempt status (and its so-called 'student-athletes') is this: lacking tangible and verifiable evidence, the government must presently take the word of school administrators that the athletes working for 'million-dollar,' celebrity and other big-time coaches are really students on track to receive a bona fide, rather than a "pretend" college education.

Course tracks for many athletes that must pretend to be students are usually engineered by academic support center staff members who work at the behest of the school's athletic department. This is a blatant conflict of interest and a surefire recipe for academic corruption since the primary motivation for the athletic department is not education, but winning and revenue generation. As Walter Byers, who served as NCAA executive director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: "*Believe me, there is a course, a grade, and a degree out there for everyone.*" What he didn't say is that money can help make football (and men's basketball) academic numbers add up.

As incredible as it may seem, without transparency, oversight and accountability mechanisms, the government is in a position where it must trust schools that, in many instances, give every appearance of not only being secretive, but untrustworthy as well. Most likely, the direct-study fiasco at Auburn University (exposed by *The New York Times'* Pete Thamel) is simply representative of what's going on in big-time college sports – the tip of an iceberg of widespread academic corruption in big-time schools.

Besides the potential loss of sports revenues and publicity, there is a compelling need for some schools to report very high graduation rates to justify/rationalize their high-profile programs and their extraordinary investments in staff and facilities for alternative education programs for their athletes — undermining academic standards and corrupting behavior in the school as a whole.



The above, combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. After all, the schools apparently believe that it's only wrong if they get caught. But, who's going to catch them and what's to lose if they do get caught?

Many school officials seem to believe that outcomes assessment is none of the government's business and are quick to appeal to privacy provisions of the Family Educational Rights and Privacy Act (FERPA) to avoid disclosure, especially in the case of the academic performance of the athletes in their moneymaking sports programs. However, FERPA's privacy provisions do not apply so long as individual students are not identified in aggregated data.

Congress should hold the NCAA (and its member institutions) accountable for the substantial financial support received from America's taxpayers by conditioning the continuation of the NCAA's tax-exempt status on the NCAA meeting specific requirements aimed at increasing the transparency, accountability and oversight of its operations.

A big first step in this direction would be disclosure of courses taken by FERPA compliant cohorts representing 50% of their member school's football and basketball team players with the most playing time, the average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses, and whole-period class attendance records.

It would come as no surprise to find that such records would bear a striking resemblance to those obtained from Minnesota's Hibbing Community College — signaling an urgent need to reconnect athletics with the academic objectives of America's institutions of higher education.

For more, see "Why a Congressional Hearing on Intercollegiate Athletics?"<sup>2</sup> and "Easing Athletes' Academic Path: A Step Down a Slippery Slope?"<sup>3</sup> January 26, 2007

### **Web Links**

1. <http://insidehighered.com/news/2007/01/24/hibbing>
2. [http://thedrakegroup.org/Splitt\\_Why\\_A\\_Congressional\\_Hearing.pdf](http://thedrakegroup.org/Splitt_Why_A_Congressional_Hearing.pdf)
3. [http://thedrakegroup.org/Splitt\\_Easing\\_Athletes\\_Academic\\_Path.pdf](http://thedrakegroup.org/Splitt_Easing_Athletes_Academic_Path.pdf)

**NOTE: This essay is based on the author's comment** "Why Not a Congressional Hearing?" on Tom Witosky's article "Grassley: Do college-athletic donations merit tax deductions?," in the Jan. 18, 2007, issue of *The Des Moines Register* and his comment on Elizabeth Redden's Jan. 24, 2007, column "When Football Numbers Don't Add Up."

## EASING ATHLETES' ACADEMIC PATH: A STEP DOWN A SLIPPERY SLOPE?

As reported by Doug Lederman in "Easing Athletes' Academic Path,"<sup>1</sup> a faculty report urges the University of Minnesota to let more athletes into sports-themed majors, raising questions about potential for lowered standards. This approach is in sharp contrast to that taken by Minnesota's Hibbing Community College that announced it was indefinitely suspending its football program — acting on concern that most of its football players were not academically on par with other students. See "When Football Numbers Don't Add Up."<sup>2</sup>

What's next in the vast array of tactics used by schools to compete at the highest levels of big-time college sports?

Leading the way in this latest workaround, is a school tarnished by a well known men's basketball scandal in the late 1990s in which sports officials engaged in academic fraud to try to help athletes stay eligible to compete.

Ostensibly, this tactic is aimed at easing compliance with NCAA rules that threaten penalties, including the loss of scholarships, against Division I colleges that fail to keep a significant proportion of their athletes on track to graduation. This may very well be, even though the new NCAA rules can be easily foiled, see Murray Sperber's "Myles to go at the NCAA."<sup>3</sup>

However, notwithstanding university officials insistence that they have no intention of lowering academic standards to accommodate athletes, the bottom line is that the move represents a thinly veiled attempt to recruit and maintain the eligibility of at-risk (academically unqualified) athletes by expanding the definition of what is meant by academics — to do whatever it takes to field winning teams. Eventually, this approach could very well lead to a morph to a trade school department — granting course credit for practice, pre-game reviews, play-book studies, physical training, and games played.

The expressed faith in the leaders of the faculty panel by University of Minnesota faculty leaders is indeed admirable. Admirable as well is the willingness of the school's Faculty Consultative Committee to watch closely for any easing of academic standards for the sake of accommodating athletics. Thus, it appears that it will be the mission of this committee to avoid a University of Minnesota slip down a slippery slope to compromised academic excellence and priorities.

The most admirable of all activities would be the Faculty Consultative Committee standing up to the pressures to subvert their mission by the school's administrators and members of the governing board who are likely beholden to money from the big-time college sports entertainment business that prioritizes winning athletic teams over excellence in academics. The work of the University of Minnesota's Faculty Consultative Committee will not be easy as there are troubling circumstances surrounding their watchdog task.

The following piece by Bob Gilbert, a former Associated Press writer and retired University of Tennessee news operations director is illuminating. It comes from his Jan. 26, 2007 syndicated column and reads as follows: "And there's this on the college sports "arms race" from the St. Paul Pioneer Press<sup>4</sup>:

*On the same day he finalized plans to build a \$288 million, on-campus football stadium, University of Minnesota president Robert Bruininks said he will champion cost reduction in college athletics when he joins the NCAA Presidents Council this summer.*

Talk about an oxymoron.

The costs of big-time college athletics have spiraled upward to an incredible rate, especially in coaches' salaries. When Minnesota head coach Glen Mason was fired earlier this month, he was making \$1.65 million. Southern Cal's Pete Carroll and Oklahoma's Bob Stoops are making in the neighborhood of \$3 million a year, Tennessee's Phil Fulmer \$2.05 million.

*I'm going to be one of the voices for reform, said Minnesota's president, who okayed Mason's \$1.65 million a year."*

It appears that the University of Minnesota is now in the process of generating material for an archetypal case study on how university presidents and chancellors work to get their faculty involved with them and the NCAA as co-conspirators to keep tapped into the cash flow associated with the big-time college sports entertainment business. In this case, the cash will certainly help service the debt incurred by building a new \$288 million, on-campus football stadium and health-spa-like facilities for their athlete-entertainers.

Finally, a question: Who is going to provide accreditation for sports-themed majors? See "Who Accredits Alternative Ed Programs for College Athletes?"<sup>5</sup>.

January 26, 2007

#### **Web Links**

1. <http://insidehighered.com/news/2007/01/25/minnesota>
2. <http://insidehighered.com/news/2007/01/24/hibbing>
3. <http://insidehighered.com/views/2005/01/20/sperber1>
4. The St. Paul Pioneer Press article quoted by Bob Gilbert was authored by John Shipley, published on Jan. 4, 2007, and headlined "Bruinicks: Athletic costs out of control," <http://www.twincities.com/mld/twincities/sports/colleges/16378338.htm?template=contentModules/printstory.jsp>
5. [http://thedrakegroup.org/Splitt\\_Alternative\\_Ed.pdf](http://thedrakegroup.org/Splitt_Alternative_Ed.pdf)

**NOTE: This essay is based on the author's comments on Doug Lederman's Jan. 25, 2007, "Easing Athletes' Academic Path" column.<sup>1</sup> The comments were posted at *InsideHigherEd.com* on Jan. 25 and 26, 2007.**

*Frank G. Splitt is a former Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, a member of The Drake Group, and the recipient of the 2006 Robert Maynard Hutchins Award "for his courageous defense of academic integrity in collegiate sports." His essays and commentaries on college sports reform can be viewed at URL <http://thedrakegroup.org>.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of the management of College Athletics Clips.*

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*Vol. 17, No. 2-Spring 2007*

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**NOTE: This commentary can be accessed at  
<http://mtprof.msun.edu/Spr2007/splitt.html>**

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# THE U. S. CONGRESS: NEW HOPE FOR CONSTRUCTIVE ENGAGEMENT WITH THE NCAA AND INTERCOLLEGIATE ATHLETICS

Frank G. Splitt  
The Drake Group

## BACKGROUND

The increasing commercialization of big-time (Div I-A) intercollegiate athletics and its negative impact on America's higher education enterprise has become evermore apparent to academic leaders, elected public officials, the sports press, and to a growing fraction of the public. After a century of ineffective efforts to reform college sports, there is a growing concern over out-of-control commercialization that is driven by the college-sports entertainment industry to further its financial interests – exploiting college sports and its participating athletes while limiting access to higher education by real students. There is also concern about compromised academic integrity and the distracting influence of overly commercialized college sports on school officials, on America's youth, and on the nation's prospects as a leader in the 21<sup>st</sup> century's global economy.

There follows some historical perspectives that help get at the truth about big-time college sports ... the brutal truth that is often obfuscated by myths, misrepresentations, and misinformation promulgated by ardent defenders of the status quo. To begin, the negative impact of college sports on higher education is not a new story. In 1929, the *Chicago Tribune* featured a headline column on the Carnegie Report's indictment of college sports.<sup>i</sup> This report focused on the need for reform based on the negative influence of big-time college sports on higher education.

(College football) is not a student's game as it once was. It is a highly organized commercial enterprise. The athletes who take part in it have come up through years of training; they are commanded by professional coaches; little if any initiative of ordinary play is left to the player. The great matches are highly profitable enterprises. Sometimes the profits go to finance college sports, sometimes to pay the cost of the sports amphitheater; in some cases the college authorities take a slice for college buildings.

Some seven years after publication of the *Chicago Tribune* story, Paul Gallico gave up a successful sports-writing career with the *New York Daily News* to devote himself to full-time writing. His first book was *Farewell to Sport*, published in 1938.<sup>ii</sup> As the title suggests, it was his farewell to sports writing, but it was much more than a farewell. It illuminated the increasing professionalism in sports during the 1930s, and bemoaned the loss of sport in its original sense. The following statements from Gallico's 68-year-old book provide additional context for this essay.

- College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy....There are occasionally abortive attempts to turn football into an honest woman, but, to date, the fine old game that interests and entertains literally millions of people has managed to withstand these insidious attacks. (208)
- It is a curious thing that the college to which a boy goes, not only for an education, but for the set of morals, ethics, and ideals with which to carry on in later life, is the first place he learns beyond any question of doubt that you can get away with murder if you don't get caught at it or if you know the right people when you do get nabbed. His university is playing a dirty; lying game and it doesn't take him long to find out. (218)
- If there is anything good about college football it is the fact that it seems to bring entertainment, distraction, and pleasure to many millions of people. But the price, the sacrifice to decency, I maintain is too high. (221)

Robert Maynard Hutchins, President of the University of Chicago and a contemporary of Gallico, deplored undue emphasis on nonacademic pursuits, condemning "sham" courses for college athletes and the pervasive

cheating by schools to fashion winning teams. In 1938, Hutchins said: “Since this country needs brains more than brawn at the moment, proposing football heroes as models for the rising generation can hardly have a beneficial effect on the national future.”<sup>iii</sup> Hutchins, then president of the University of Chicago, wrote those prescient words during the time of the gathering storm prior to the outbreak of World War II. Guided by his personal beliefs and, perhaps, triggered by Gallico’s remarks, he abolished football at the University of Chicago in 1939. When asked why he did this he replied with the simple statement, “To be successful, one must cheat. Everyone is cheating, and I refuse to cheat.” As former Tufts University Provost Sol Gittleman opined in 2005, “A Robert Hutchins comes only once in a lifetime.”<sup>iv</sup>

Fast forward to 2003, past the deterioration of college sports during the years of World War II, past the scandal years of the late 1940s and early 1950s, and through the following trouble-filled years that eventually led to the formation of the Knight Commission on Intercollegiate Athletics—a disturbing transition story exhaustively documented by Murray Sperber, retired Indiana University professor of English and American Studies,<sup>v</sup> and Jim Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan.<sup>vi</sup> It was in May 2003 that I first spoke with Duderstadt—telling him his book, *Intercollegiate Athletics and the American University*, piqued my interest in college sports reform. In 2004, Duderstadt, who has been working in multiple domains of higher education—most recently as a member of the Secretary of Education’s Commission on the Future of Higher Education—wrote the foreword to my “The Faculty-Driven Movement to Reform Big-Time College Sports.”<sup>vii</sup>

## **PROBLEMS WITH COMMERCIALIZED INTERCOLLEGIATE ATHLETICS**

### **America’s Obsession with Sports**

NCAA President Myles Brand has said, “Americans love their sports. . . . it should not be doubted that sports have a central place in American popular culture. There is great interest in professional teams; but nothing rivals interest in intercollegiate athletics.”<sup>viii</sup> James Michener provided deep insights into this apparent national obsession with college sports in his 1976 best seller, *Sports in America*.<sup>ix</sup> Among other things, Michener said sports are a major factor in American life and in the life of other countries as well. There was nothing to worry about at the time, but today America has the most to lose as it confronts new global realities with its continued obsession with sports—especially big-time college football and men’s basketball.

As I said in my essay “Sports in America 2005,”<sup>x</sup> you can ask many Americans about big-time college sports and they will be willing to tell you three things: first, it’s great entertainment; second, they know most schools cheat; and third, they don’t want to be bothered with the details of issues such as the corruption of college football and related reform efforts.<sup>xi</sup> Also, for many, the most important page in their newspaper is the one carrying the betting line; and, very often the target for major contributions by wealthy alumni is not for academics, but rather for their alma mater’s athletics fund that helps fuel the athletics arms race. It seems that only in sports-obsessed and seemingly complacent America can we find a general public that views sports as super cool while the study of science, technology, engineering, and mathematics (STEMs) are considered to be nerdy, and where athletes have a definite edge when it comes to college admission and retention—often in ‘diploma-mill-like’ alternative education programs with questionable accreditation.

By contrast, in China, which educates approximately one-half of the world’s engineers, engineering education is valued as a preparation for contributions in government, policy, innovation, intellectual property, broad engineering disciplines, and manufacturing, while the study of STEMs is considered to be a patriotic duty—providing a robust pipeline of human resources for R&D. Also, enormous investments are being made not to build and/or upgrade stadiums, but to build schools and to upgrade its university system. STEM students have a definite edge, and English instruction is becoming big business as the China’s growing middle class pays to learn the language of global commerce.

## **Growing Commercialism Destroying a Precious Resource**

America's love affair with big-time college-sports entertainment in combination with excessive cynicism, apathy (if not purposeful ignorance), and gambling, has been a recipe for growing commercialization at America's institutions of higher learning. Excessive commercialization has brought academic corruption, financial shenanigans, increasing expenditures on athletics, and money-focused presidents who often view sports programs as an economic necessity and undergraduate education as an expensive nuisance and who have little patience with reform efforts by their faculty.

Given the enormous broadcasting revenues at stake, the NCAA faces a conflict between its sometimes-contradictory roles as promoter and governor of intercollegiate athletics. Consequently, the NCAA cartel is incapable of reforming itself to stem the growth of commercialism. Worse yet, reform is impeded by greed, fanatic sports fans, a mostly apathetic public and inconsistent government tax policies that benefit not only the NCAA, but also wealthy sports-crazed donors, many of whom are influential trustees who use their school's athletic programs as ego-boosting playthings.

Tax breaks help fund 'stadium wars'<sup>xii</sup> and have allowed the commercially driven college-sports enterprise to grow unchecked. This is because the federal government weakly enforces its Unrelated Business Income Tax (UBIT) law.<sup>xiii</sup> Strong enforcement will require standing up to the very powerful legal and lobbying forces as well as to the huge amount of money at the command of the NCAA cartel. A sense of the magnitude and the ubiquitous nature of this power can be obtained from Allen Sack's and Ellen Staurowsky's chronicle of the NCAA's suppression of the 1977 UBIT case brought against Texas Christian University by the Dallas office of the IRS.<sup>xiv</sup> Also, IRS rulings allow boosters to deduct most of the donations they make to lease skyboxes, estimated to account for hundreds of millions of dollars to Division I universities—all but guaranteeing distracted, booster-beholden university administrators who have learned to look the other way and an expanding set of fun-loving consumers for their entertainment business that has hijacked the academic mission of many universities.

If all of this is coupled with the rising costs of residential higher education (without corresponding improvements in academics) and improved technology-driven competitive education delivery systems, we are led to the conclusion that America's higher education enterprise is rapidly becoming untenable—unable to survive, just as predicted by Peter Drucker back in 1997. It is also ironic that the government's subsidy of college sports via favorable tax policies has helped fuel the destruction of what has been one of our most precious resources.

## **A Great Distraction Undermining America's Leadership Position**

The technology-driven, global economy is both expanding and becoming evermore complex. There will be no place in this global game for societies that remain clueless—asleep at the switch, not knowing what is at stake, or, preoccupied with other things such as stadium wars and the current problems in collegiate athletics. Members of top-ranked BCS football teams and the NCAA's Final-Four basketball teams will not likely be eligible to play in the technology-driven global 'game.' America's colleges and STEMs literally need to be thought of in a global context. Little did Michener know that an obsession with sports in America would help lubricate a slip not only from its position of global economic and business leadership, but also from its leadership position in higher education—a cultural catastrophe?

How could America ever lose its leadership position in higher education? Murray Sperber tells in painstaking detail just how big-time college sports are crippling undergraduate education.<sup>xv</sup> 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 unrestrained growth in spending with a corresponding desperate, death-spiral-like need for additional revenues—a great distraction to school officials, to say the least.

Inadvertently or willingly, college and university presidents, chancellors, regents and boards of trustees have conspired with the NCAA and the media to tap into the ocean of money associated with the big-time college sports entertainment industry. All the schools need do is manage and tout government subsidized minor league teams for the NFL and the NBA. "There is nothing that's more positive for our alums and our long-term



friends than a good football team. Everyone cares about the Buckeyes,” says Karen Holbrook, Ohio State University president.<sup>xvi</sup>

The cost of this operation comes in the form of problems relating to: 1) institutional goals and priorities; 2) educational principles, values and ethics; 3) fundraising methods; and 4) resource management, not to mention limiting access to higher education by real students and the overall negative impact on America’s K-16 education system. Compounding these problems is the lack of rigorous financial, accountability, and oversight structures within the higher education enterprise.

## **Lack of Oversight and Control**

Skip Rosin’s September 5, 2005, *Wall Street Journal* column, “The Brutal Truth About College Sports,”<sup>xvii</sup> focused needed public attention on a serious problem in America’s system of higher education—the mess in big-time college sports. The related Sept. 24, *Letters to the Editor*, aptly headlined, “Can Colleges Control the NCAA Beast?”<sup>4</sup>, led to my letter, “Who Wants to Tackle Biggest Man on Campus.”<sup>xviii</sup>

Can colleges control the NCAA beast? The answer, plain and simple, is no—so too with the Knight Foundation Commission on Intercollegiate Athletics, the (faculty) Coalition on Intercollegiate Athletics (COIA), and school presidents.<sup>xix</sup> As a general rule, big-time 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, wealthy boosters and alumni, as well as rabid fans. But there can be exceptions. For example, Birmingham Southern University went from Div. I to Div. III – enabling the provision of more athletic and educational opportunities for its students.<sup>20</sup>

Most tenured faculty members seem too busy to work for reform, doing research shunning involvement in controversial nonacademic affairs where they have no real power. But here again there are a few exceptions to this general rule, for example, Tom Palaima at the University of Texas-Austin, Jim Gundlach at Auburn University, as well as Nathan Tublitz and James Earl at the University of Oregon.<sup>21, 22, 23</sup> The latter’s initiative triggered a swift defense of the status quo by Dave Frohnmayer, the university president who argued that excellence in athletics does not preclude excellence in academics, but did not address the expressed concerns of the 90 faculty members who endorsed the document.<sup>24</sup>

Almost all untenured faculty members are too busy working to get tenure and are not in a position to challenge administrative policy on intercollegiate athletics. In either case, faculty members who defend academic integrity can be considered subversive<sup>25</sup>—inviting intimidation and career-threatening retaliation by school administrations. Also, the fear of being ostracized looms large.

Unfortunately, with the NCAA’s apparently successful co-option of the Knight Commission on Intercollegiate Athletics,<sup>26</sup> 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 ostensibly provided by the Buckley Amendment to the Family Educational Rights and Privacy Act (FERPA).<sup>27</sup> The NCAA continues to perpetuate its myth of amateurism with the incessant use of the contrived ‘student-athlete’ term, deceptively portraying itself as a nonprofit institution of higher education.<sup>14, 28</sup> Simply stated, the NCAA appears to be running “foot loose and fancy free.”

## **ADDRESSING THE PROBLEMS**

Some three years ago, Terry Holland, East Carolina University Athletic Director, former University of Virginia coach, and one of the most thoughtful persons in intercollegiate athletics, said, “It is time to put aside our individual and institutional agendas, denials, and rationalizations to create a vision for intercollegiate athletics that will enhance the experience for future generations of young people in our colleges and universities.” Here’s what The Drake Group<sup>29</sup> and the Congress are doing to stimulate serious reform in collegiate athletics to do just that:

### **The Drake Group (TDG)**

Skip Rozin not only called attention to Rep. Jan Schakowsky's March 17, 2005, remarks in the Congressional Record,<sup>30</sup> but also to TDG's congressional initiative, a grassroots, quid-pro-quo initiative encompassing disclosure and related financial mechanisms that would help restore academic and financial integrity in our institutions of higher education. Over the past three years, TDG members have been working to provide and stimulate truth-telling stories in the media, beginning with its website and beyond to *The Chronicle of Higher Education*, *InsideHigherEd.com*, *CollegeAthleticsClips.com*, and elsewhere. The aim has been to provide TDG's position and proposals on key problems and issues for easy availability to all concerned parties—especially to members of Congress and their staffs. Other parties included the media, the Knight Commission, and COIA. The collection of publications that can be found at the TDG Website<sup>29</sup> chronicle the story outlined in the previous sections of this essay and more.

## **The House Committee on Ways and Means**

Congressman William Thomas (R-CA), past Chair of the House Committee on Ways and Means, addressed some areas of concern with big-time college sports in his sharply-worded October 2, 2006 letter to NCAA President Myles Brand.<sup>31</sup> The chairman's questions were aimed at ascertaining the justification for the tax-exempt status of the NCAA and its member schools. For example, in the words of one question, "Why should the federal government subsidize the athletic activities of educational institutions when that subsidy is being used to help pay for escalating coaches' salaries, costly chartered travel, and state-of-the-art facilities?" The Thomas letter triggered a number of issue-amplifying news columns and editorials in *The New York Times*, *The Wall Street Journal*, *USA Today*, *The Boston Herald*, *The Washington Post*, *The Indianapolis Star*, *The Dallas Morning News*, and *The Birmingham News*, among many others.

Some of Brand's Nov. 13 letter reply<sup>32</sup> was responsive and interesting. Much of it, however, ducked and dodged questions, for example, by hiding behind the statistics characterizing all sports programs rather than addressing the far more alarming results of the revenue sports of football and men's basketball. And much of the response seemed to fall back on the status quo, portraying earlier legislation, policy, or court rulings as unchallengeable, seemingly taken as perpetual entitlements. Predictably, Brand did not give cogent answers to questions related to the academic life of college athletes—taking refuge in the FERPA's privacy provisions. And there is a disturbing question as to how serious the NCAA took the Thomas letter. For example, when asked about the scrutiny by the Committee on Ways and Means at a Dec. 6, 2006, panel session at Street & Smith Publications' 5<sup>th</sup> Annual Intercollegiate Athletics Forum, Brand was quoted as saying, "We believe it was staff driven." Then, when asked why by the panel moderator, Abraham Madkour, Brand said, "I suppose they had a bee under their bonnet." For more, see *Inside Higher Ed's* Elia Powers summary of Brand's response in his Nov. 16, 2006, column.<sup>33</sup>

In a related event, the NCAA released its Presidential Task Force Report "The Second-Century Imperative,"—covering the future of Division I Intercollegiate Athletics at Brand's National Press Club speech on Oct. 30, 2006.<sup>34</sup> Interestingly, this was the original due date for his response to Chairman Thomas. Brand used the occasion to hark still another NCAA reform measure long on high-sounding rhetoric but short on substantive workable/enforceable initiatives. The report provides a good example of how college and university presidents work to maintain the status quo. It lays a good part of the blame for the troubled state of intercollegiate athletics on the faculty, for example, saying, "Critical to the future of re-establishing institutional accountability for intercollegiate athletics is the underdeveloped potential for informed faculty engagement in support of presidential leadership. Hampering such engagement for decades has been uninformed, biased faculty members who attack athletics unfairly." According to the report, faculty are not only uninformed, but also need to, "understand the intercollegiate athletics enterprise—the facts of the matter—and not merely accept pre-existing biases." See Palaima<sup>35</sup> for more on the blaming of faculty for the problems that arose under the authority of college and university presidents, chancellors, regents and boards of trustees.

Multimillion dollar coaching contracts make for headlines and stories that get the attention of Congress.<sup>36</sup> However, the core of the issue surrounding the tax-exempt status of the NCAA cartel and so-called 'student-athletes,' is this: lacking tangible and verifiable evidence, the government must presently take the word of school administrators that athletes are really students on track to receive a bona fide, rather than a "pretend,"

college education. Course tracks for many athletes who must pretend to be students are usually engineered by academic support center staff members who work at the behest of the school's athletic department. This is a blatant conflict of interest and a surefire recipe for academic corruption since the primary motivation for the athletic department is not education, but winning and revenue generation. As Walter Byers, who served as NCAA executive director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates, "Believe me, there is a course, a grade, and a degree out there for everyone."<sup>37</sup> The following excerpt from the previously cited *New York Times* editorial<sup>22</sup> "Top Grades, Without the Classes," makes the point:

The House Ways and Means Committee sent shock waves through college sports when it asked the National Collegiate Athletic Association to justify its federal tax exemption by explaining how cash-consuming, win-at-all-cost athletics departments serve educational purposes. The short answer is that they don't. Indeed, they often undermine the mission of higher education by recruiting athletes who aren't prepared, then encouraging grade-padding and preferential treatment to keep them eligible for sports.

That process has been on vivid display at Auburn University, which is embroiled in a scandal involving athletes who are said to have padded their grades and remained eligible to play by taking courses that required no attendance and little if any work. This summer, James Gundlach, an Auburn sociology professor, laid out the problem in startling detail, telling reporters that corruption at the university was pervasive.... Auburn's administration promised swift and decisive action to address the problem. But it has also taken pains to point out that the suspect courses were open not just to athletes, but to all students.

That's no reason to feel relieved. The deeper and more alarming lesson is that the unethical behavior often associated with big-time college sports doesn't always end with athletes. It can easily seep outward, undermining academic standards and corrupting behavior in the university as a whole.

As incredible as it may seem, without transparency, oversight and accountability mechanisms, the government is in a position where it must trust schools that, in many instances, give every appearance of not only being secretive, but untrustworthy as well. Most, likely, Auburn is simply representative of what's going on in big-time college sports—the tip of an iceberg of widespread academic corruption<sup>38</sup> Besides the potential loss of big-money, there is a compelling need for some schools to report very high graduation rates to justify their high-profile programs and their extraordinary investments in staff and facilities for alternative education programs for their athletes.

The above, combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. After all, the schools apparently believe that it's only wrong if they get caught. But, who's going to catch them and what's to lose if they do get caught?

Furthermore, many school officials seem to believe that outcomes assessment is none of the government's business and are quick to appeal to FERPA's privacy provisions to avoid disclosure, especially in the case of the academic performance of the athletes in their money making sports programs. However, FERPA's privacy provisions do not apply so long as individual students are not identified in aggregated data.

In his Oct. 15, 2006, *New York Post* column, reporter Richard Tedesco, said that if the Democrats win the House, then the NCAA's tax-exempt status – and the \$503 million it gets from CBS to televise its March Madness basketball tourney – could face a full-court press from Rep. Charles Rangel (D-NY) who would be the new Chairman of the House Committee on Ways & Means. Next, during the course of his Jan. 7, 2007, *This Week* program, George Stephanopoulos addressed Congressman Rangel, saying: "... Your predecessor, Bill Thomas, had real questions about whether or not the NCAA still deserved its tax exemption because college sports have become so much like pro sports. Is that something that concerns you? Will you be taking a look at that tax exemption?" Congressman Rangel responded by saying: "I will be taking a look at all tax exemptions. .... And that, certainly, I join with Bill Thomas on that in taking a hard look at that as well as many, many other tax-exempt organizations." Although past positions taken by Congressman Rangel on taxation matters suggest that he will most likely follow up on Thomas' initiative, only time will tell whether his committee can withstand

the very powerful legal, economic, political, and lobbying forces that can be mustered by the NCAA cartel to protect its financial interests.

## **The Senate Finance Committee**

Duderstadt testified at the December 5, 2006, Senate Finance Committee Hearing “Report Card on Tax Exemptions and Incentives for Higher Education: Pass, Fail, or Need Improvement?”<sup>16, 39</sup> Re: the failure of our financial aid programs at the federal, state, and institutional level to address adequately the needs of low and middle-income students, he said,

“Federal tax policy can and does play a role in the support of higher education. Current tax policies both assist parents in saving and paying for the college education of their children. It also provides strong incentives for donors to contribute to a variety of purposes in higher education. Yet while most of these tax benefits contribute substantially to our colleges and education, some have drifted rather far from the tax-exempt purposes of education and scholarship. I have written in the past about my concerns about intercollegiate athletics and argued that tax policy is fueling an arms race in stadium construction, coaching salaries, and student exploitation in big time sports such as college football and basketball.

However there remain problems with current tax policy, resulting both from the susceptibility of the tax code to manipulation by special interests and because of the law of unintended consequences. An example of the former is the perverse treatment of intercollegiate athletics, in which mandatory fees for athletic events such as luxury skybox leases and licenses to purchase season tickets are treated, in part, as charitable contributions by the current tax code. Ironically these revenue streams are now fueling an arms race in college sports, driving universities to debt-finance massive stadium expansion projects, exploit young student-athletes, and tolerate multimillion dollar coaches salaries, all demanded by big-time college football and basketball programs that have been transformed into commercial entertainment businesses with only marginal relevance to the educational (and, I might add, tax-exempt) mission of the university.

Ironically, the broader higher education tax policies concerning private gifts, endowment income, and tuition and other college expenses may also be having some unintended consequences of a very similar nature. For example, the “edifice complex” that stimulates naming gifts from donors for new capital facilities frequently results in campus monuments such as museums, theaters, or sports facilities only marginally related to the academic mission of the university, yet requiring massive additional investment in both construction and long-term maintenance.”

Chairman Grassley questioned each of the panelists to obtain clarification or extensions of their remarks—saying that although not a direct focus of this hearing, the tax-exempt status of the NCAA has been the subject of a great deal of scrutiny by the House Committee on Ways and Means and is certainly relevant to their work. He asked Duderstadt if he thought the NCAA’s response to the letter from Chairman Thomas was adequate, and, if not adequate, he said he would appreciate getting any additional questions or information that would help the committee better consider the matter.

Duderstadt began by saying there is a growing concern among a great many people, both within higher education and beyond, that the increasing commercialization of big-time college football and basketball programs is beginning to distort the academy; for example, the rate of increase in athletics costs over the last decade is 3-times that of academic costs. He said part of that may be due to some of the perversity of the tax code—treating quid pro quo transactions such as the leasing of luxury skyboxes or the ability to purchase season tickets as a charitable contribution which of course they are not, but it also relates to a broader array of commercial activities engaged in by the NCAA and by the institutions; and went on to say the Thomas letter very effectively challenged this growth in commercialization; and, that the NCAA took great care in its response, much of which was useful and informative, but it was somewhat of a mixed bag. In effect it said that: 1) To some degree the NCAA passed off concerns to the institutions, claiming it really had no influence and

raising the question: Should they? 2) Some of the responses hid behind the vast array of sports that do not suffer from the drawbacks of the commercialized football and men's basketball programs.

Duderstadt also said he thinks it's always important to have those involved with intercollegiate athletics operations step back and really think deeply about whether their decisions are being made in the best interest of the educational opportunities of the athletes participating in their programs and in the best interests of their academic institutions, saying, "That's what the (Thomas) letter did." He concluded his remarks by saying he thinks that the Thomas letter will lead to further debate and concerns—hopefully persuading the NCAA and the institutions themselves to take steps to reconnect intercollegiate athletics with the academic objectives of their institutions. Perhaps cleaning up some of the tax policy, perhaps further investigations will provide the stimulus to do just that.

Senator Grassley's questions and interest that has stimulated further research into the federal tax exemption that colleges and universities use to help finance athletics was certainly noted in his home state of Iowa. A prominent front-page story in *The Des Moines Register* was headlined "Grassley: Do college-athletic donations merit tax deductions?"<sup>40</sup> It is expected that Senator Max Baucus (D-MT), the new chair of the Senate Finance Committee, will continue with Senator Grassley's research initiative. However, he will likely place special emphasis on the reduced access to higher education by academically qualified students occasioned by the thousands of college and university scholarships granted to academically unqualified athletes – a consequence of taxpayer supported educational institutions that often place a premium on athletic rather than academic ability. See Golden<sup>41</sup> for insights into this and other aberrations in the admission process in America's system of higher education. It is to be noted that Pulitzer Prize winning author Dan Golden, the deputy bureau chief at the *Wall Street Journal's* Boston bureau, gave extensive testimony at the December 5, 2006, Senate Finance Committee Hearing – ultimately leading to his incisive article "Tax Breaks for Skyboxes."<sup>12</sup>

## **The Congress and the National Academies**

The National Academies have responded to a request from concerned members of Congress with a call-to-arms report,<sup>42</sup> stating, "This nation must prepare with great urgency to preserve its strategic and economic security." The report (aka the Augustine report) goes on to say that America faces an enormous challenge because of its disadvantage in labor costs; and, that science and technology provide the opportunity to overcome that disadvantage by creating scientists and engineers with the ability to create entire new industries. It is estimated that a coordinated and sustained response to the challenge would cost the country about \$9 billion a year.

In his opening statement for a congressional hearing on the Augustine report, Congressman Sherwood Boehlert (R-NY) said, "Science programs still have to scrounge around for every additional cent; young scientists still have to beg for funds; our education system is still producing too many students who cannot compete with their counterparts around the world; and the federal government is still ignoring our fundamental energy problems while wasting money pandering to special interests." A salient example of this pandering is the government's favorable tax policies on college sports, particularly the NCAA that is treated as an institution of higher education. As mentioned by Duderstadt in his testimony before the Senate Finance Committee, quid pro quo contributions from boosters and the boom in the leasing of stadium skyboxes by corporations and other big-money contributors as well as extortion-like seat taxes, are fueling the uncontrolled growth of the big-time college-sports entertainment business.<sup>12</sup>

## **A PATH FORWARD**

Taken together, the NCAA's weak Presidential Task Force report, its less than forthright response to Chairman Thomas' questions, and Jim Duderstadt's candid testimony at the Dec. 5, 2006, Senate Finance Committee Hearing, provide the basis for a compelling argument for a focused congressional hearing on intercollegiate athletics. Such a hearing would fully expose the NCAA and its secretive ways to the light of day, revealing the true professional nature of big-time college sports, its tight connection to the entertainment

business, and its marginal relevance to the educational, tax-exempt mission of its member institutions, as well as its negative impact on America's K-16 education system.

It should be clear that just as it would be unwise for the Congress to micromanage intercollegiate athletics; it would be even more unwise for the Congress not to be managing them at all. Without government intervention and oversight there will be no serious reform, only a veil of secrecy shrouding a continuing national scandal that is characterized by a distortion of the mission of our institutions of higher education, institutions that are now beholden to the out-of-control college sports entertainment business.

Priorities need to be set right at our nation's colleges and universities. Addressing the perverse government subsidization of the NCAA and big-time intercollegiate athletics would be a good start, as it would not only help flip the apparent athletics-over-academics priority at many schools—reconnecting athletics with the academic objectives of the schools—but also provide substantial incremental tax revenues that could aid the implementation of the Augustine report's recommendations. The latter could help to finance a boost in the federal investment in basic research, recruitment of future STEM teachers, and scholarships for undergraduate STEM and other students that want to go to college to learn.

Congress could begin by taking steps to hold the NCAA cartel accountable for the substantial financial support it receives from America's taxpayers—giving serious consideration to conditioning the continuation of the NCAA's tax-exempt status on the NCAA meeting specific requirements aimed at increasing the transparency, accountability and oversight of its operations and that of its member institutions. It can also take a hard look at tax policies governing seat licenses, luxury skyboxes, corporate sponsorships and other unrelated business income. Furthermore, the NCAA should be required to take steps that will permit athletes to function as real students—providing tangible evidence that the athletes in its member institutions attend regular classes on accredited degree tracks and that they are maintained as an integral part of the institution's student body where academic standards of performance for athletes are the same as for all other students.

America's higher education enterprise should be focused on academics, not athletics, meaning tax code benefits with emphasis on learning and research, not on commercialized sports entertainment and health-spa-like facilities. These will be the arsenals and 'tools' for the defense of America's democracy. There should be concern at the highest levels of our government, concern that things are moving in a direction where America could very well lose its position as a world leader. There is much to learn about changes in the world about us and from past societies that destroyed themselves by destroying their resource base. Increased awareness of these matters on the part of faculty members, students and the general public is critical to America's future; a good part of this awareness can be gained from Friedman and Diamond.<sup>43</sup>

Finally, a democracy has as one of its fundamental strengths the ability to bring great ideas, innovation and individual initiative, into what could otherwise be a failing system. But the higher education enterprise, just as a democracy, is only as strong as the people who are willing to keep it vital and ever evolving. Faculty members need to become more aware of the problems besetting their segment of the enterprise and then, hopefully enabled and supported by government intervention, rise to the challenge of reclaiming academic primacy in higher education.<sup>44</sup>

**Frank G. Splitt** is a former Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, a member of The Drake Group, and the recipient of the *2006 Robert Maynard Hutchins Award* "for his courageous defense of academic integrity in collegiate sports." His essays and commentaries on college sports reform can be viewed at URL <http://thedrakegroup.org>.

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**THE U. S. CONGRESS,  
HIGHER EDUCATION, AND  
COLLEGESPORTS REFORM:  
Signs of Progress, Truth,  
and Consequences**

**Frank G. Splitt**

***THE INTERFACE***

*The joint newsletter of the IEEE Education Society and the  
ASEE Electrical and Computer Engineering Division*

***April 2007***

# THE U. S. CONGRESS, HIGHER EDUCATION, AND COLLEGE SPORTS REFORM: Signs of Progress, Truth, and Consequences

by Frank G. Splitt  
FNJSMP@aol.com

**INTRODUCTION** – The athletics arms race, with its multimillion-dollar coaches’ salaries, stadium wars, and academic corruption, continues to have a debilitating impact on higher education. Insights into this situation can be found in a 3-year-old commentary<sup>1</sup> by **John W. Prados**, Vice President Emeritus and University Professor, The University of Tennessee, and former president, Accreditation Board for Engineering and Technology:

*Frank Splitt’s well-researched brief identifies clearly the distortion of institutional priorities and the threats to academic integrity that result from increasing commercialization and obsession with winning in “big-time” college sports. The situation has developed gradually over the past 100+ years, and now its correction faces major obstacles, both financial and psychological, in particular, the dependence on revenues from football and men’s basketball to fund bonded indebtedness on expensive athletics facilities and to support the non-revenue producing sports, and the over-identification by too many alumni and other supporters of their own value with “their” school’s athletic success. Can the situation be corrected? I believe it can, but with great difficulty. It will demand a long-term, coordinated effort by responsible faculty leaders, presidents, and governing board members who are willing to put aside personal advantage and work together to do what is right for their institutions and the educational enterprise. Frank Splitt has pointed us down the right path. Will we have the courage and perseverance to follow it?*

As Prados and others have suggested, the reform effort will have to reach critical mass in order to restore big-time sports to their proper role in higher education. Sad to say, the answer to Prados’ penetrating question – *Can the situation be corrected?* – appears to be “No” insofar as the great majority of college presidents and governing board members are concerned.

**WHAT’S THE PROBLEM?** – Inadvertently or willingly, far too many college and university presidents, provosts, and governing boards continue to conspire with the NCAA and the TV media to tap into the ocean of money associated with the big-time college sports entertainment industry. It is unlikely that any of these groups would be willing to let go of the status quo unless their future prosperity is assured.

Excessive commercialization has given rise to money-focused presidents who often view sports programs as an economic necessity and undergraduate education as an expensive nuisance. As a general rule, big-time 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 influential (wealthy) members of their governing boards, boosters and alumni, as well as misguided fans. But there can be exceptions, for example, Birmingham Southern University recently moved from NCAA Div. I to Div. III. This bold move enabled the school to provide more athletic and educational opportunities for its students. The move was made for all the ‘right’ reasons – providing a rare but shining example of educational sanity trumping irrational athletic exuberance.

However, the move by Birmingham Southern’s president **David Pollick** and his board is an anomaly. All too often such moves are blocked by presidents who have little patience with serious reform efforts or by influential board members who use their school’s athletic programs as ego-boosting playthings. Also, the target of major contributions by wealthy alumni is often not academics, but rather their alma mater’s athletics department. Such gifts help fuel the athletics arms race.

Most tenured faculty members are intent on doing research and seem too busy to work for reform. Disheartened by a perceived lack of institutional power, faculty members often shun involvement in controversial nonacademic affairs. But here again there are exceptions to this general rule, for example, **Linda Bensel-**

**Meyers** while at the University of Tennessee, **Jim Gundlach** at Auburn University, **Jan Kemp** at the University of Georgia, **Tiffany Mayne** at Louisiana State University, **Tom Palaima** at the University of Texas-Austin, **Murray Sperber** while at the University of Indiana, and Nobel Laureate **Carl Wieman** while at the University of Colorado-Boulder. Also, **Nathan Tublitz** and **James Earl** recently decried academics' decline relative to athletics at the University of Oregon – prompting a swift defense of the status quo by the university president who argued that excellence in athletics does not preclude excellence in academics, but failing to address the expressed concerns of the 90 faculty members who endorsed the Tublitz-Earl complaint.

Almost all untenured faculty members are too busy working to get tenure and are not in a position to challenge administrative policy on intercollegiate athletics. In any case, faculty members and others who defend academic integrity are often considered subversive—inviting intimidation and position-threatening retaliation by school administrations.<sup>2</sup> The life of faculty members who work for academic primacy over athletics is not without pressure, consequent stress, and the fear of being ostracized. For example, the members of the University of Minnesota's Faculty Consultative Committee have just been placed in a difficult, likely untenable, position by the university president.<sup>3</sup> Even deans and senior faculty find it hard to say no to demands by presidents and provosts, especially if the demands are in any way related to defending the NCAA and the status quo in intercollegiate athletics.

The bottom line: The relatively sparse exceptions to the general rule fall far short of the critical mass of responsible faculty leaders, presidents, and governing board members required to arrest the uncontrolled growth of commercialized college sports. However, in this void an alternate critical mass was formed – inspired, in part, by the cogent words of **Margaret Meade**, *Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it is the only thing that ever has.*

**WHAT HAS BEEN DONE?** – The key to unraveling the mess in big-time college sports is federal intervention.<sup>4</sup> There will be no serious reform without such intervention and related oversight. There will only be a veil of secrecy shrouding a continuing national scandal characterized by academic institutions beholden to the out-of-control college sports entertainment business ... institutions that have distorted or abandoned their educational mission.

To help catalyze government intervention, I worked closely with **Jim Duderstadt**, President Emeritus and University Professor of Science and Engineering at the University of Michigan. The connection: Duderstadt was the author of *Intercollegiate Athletics and the American University*<sup>5</sup> and the foreword to my second essay on college sports reform,<sup>6</sup> as well as an early supporter of my work on systemic engineering education reform. We and others in The Drake Group and beyond, worked with staff members of the Oversight Subcommittee of the House Committee on Ways & Means during the past year to illuminate the true professional nature of big-time college sports, its tight connection to the entertainment business, and its marginal relevance to the educational, tax-exempt mission of its member institutions, as well as its negative impact on America's K-16 education system.<sup>7</sup>

House Committee on Ways & Means Chairman Rep. **Bill Thomas**' sharply-worded, Oct. 2, 2006, letter to NCAA President **Myles Brand** – asking why the NCAA and its member institutions should maintain the tax-exempt status of their sports programs – was one of the high points of this effort. The Thomas letter triggered a powerful issue-amplifying column<sup>8</sup> by nationally syndicated columnist **George Will** as well as a host of supporting editorials and columns in *The New York Times*, *The Wall Street Journal*, *USA Today*, *The Boston Herald*, *The Washington Post*, *The Indianapolis Star*, *The Dallas Morning News*, and *The Birmingham News*, among many others.

Another high point was Duderstadt's testimony at the Dec. 5, 2006, Senate Finance Committee Hearing. "Report Card on Tax Exemptions and Incentives for Higher Education: Pass, Fail, or Need Improvement?" chaired by Senator **Charles Grassley**<sup>9</sup>

Also, just prior to the hearing, **George Dennison**, president of the University of Montana, invited me to contribute an article commenting on the congressional scrutiny of the NCAA for *The Montana Professor* – a journal of Education, Politics and Culture. The article, "The U. S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," will appear in the Spring 2007 issue of the journal opposite NCAA President Brand's article, "Faculty Members' Constructive Engagement in Intercollegiate Athletics."<sup>10</sup> Readers will find a sharp contrast between the articles. Brand urges faculty to get with athletic programs by providing direct support for their school's leaders – recommending roles for faculty members that: *will yield both constructive engagement and resolution of the issues facing intercollegiate athletics*. My article focuses on the need for federal intervention based on the truth about big-time college sports ... the brutal truth that is often obfuscated by myths, misrepresentations, and misinformation promulgated by the NCAA and ardent defenders of the status quo. However, telling the truth about college sports has not been without consequences.<sup>11</sup> Taken together these are exciting events. While certainly not earth shattering, they nevertheless represent sure signs of progress on a path toward serious reform in intercollegiate athletics as well as a basis for cautious optimism.

**WHAT MORE CAN BE DONE?** – To help sustain the momentum developed by the 109<sup>th</sup> Congress, we will be asking Senator **Max Baucus** and Rep. **Charles Rangel**, the respective chairs of 110<sup>th</sup> Congress' Senate Finance Committee and House Committee on Ways & Means, to follow up on the groundbreaking work of their congressional committees. Specifically, we will be asking them to give careful consideration to the following plan of action – taking steps consistent with the recommendations of Secretary of Education **Margaret Spellings'** *Commission on the Future of Higher Education*:<sup>12</sup>

1. Initiate a focused congressional hearing on intercollegiate athletics. Such a hearing would fully expose the NCAA and its secretive ways to the light of day – as Supreme Court Justice **Louis Brandeis** said: *Sunlight is said to be the best of disinfectants*.
2. Realign priorities at America's colleges and universities – addressing the perverse government subsidization of the NCAA and big-time intercollegiate athletics would not only help flip the apparent athletics-over-academics priority at many schools, but also provide substantial incremental tax revenues.<sup>13</sup>
3. Take steps to hold the NCAA cartel accountable for the substantial financial support it receives from America's taxpayers—with Congress giving serious consideration to conditioning the continuation of the NCAA's tax-exempt status on the NCAA meeting specific requirements aimed at increasing the transparency, accountability and oversight of its operations and those of its member institutions.
4. Take a hard look at tax policies governing seat licenses, luxury skyboxes, corporate sponsorships and other unrelated business income.
5. Add interpretive wording to FERPA's student privacy provisions to make clear that such legislation does not prohibit release of information on the academic performance of individual athletic teams, so long as the data do not identify individual team members.
6. Require the NCAA and its member institutions to take steps that will permit athletes to function as real students—having the institutions provide tangible evidence that they practice what they preach, i.e., evidence that their athletes attend regular whole-period classes on accredited degree tracks and that the athletes are maintained as an integral part of the institution's student body where academic standards of performance for athletes are the same as for all other students.

**CONCLUDING REMARKS** – America's higher education enterprise should be focused on academics, not athletics. With this focus in mind, tax code benefits would result in increased emphasis on learning and research, not on the subsidization of commercialized sports entertainment and health-spa-like facilities for athletes.

A question still looms in the minds of reform-minded academics: Will Congress follow up on Chairman Thomas' letter and build consensus to unmask the NCAA's amateur 'student-athlete' charade and put an end to

the tax subsidies that help fuel the athletics arms race? If the NCAA is left to operate “foot loose and tax free” at the expense of American taxpayers and the future health of America’s system of higher education, it will be because the Congress has yet to appreciate the long-term negative implications of ‘what’s going on,’ or, chooses not to exercise its inherent responsibility to rectify the situation.

What’s required is a good measure of political courage and the will to stand up to powerful legal, economic, political, and lobbying forces mustered by the NCAA cartel to protect its financial interests. In addition, those answering the call must be willing to withstand the inevitable pressure to maintain the status quo from school officials, notable alumni and rabid fans.

It has often been said that a democracy has as one of its fundamental strengths the ability to bring great ideas, innovation and individual initiative, into what could otherwise be a failing system. The higher education enterprise, just as a democracy, is only as strong as the people who are willing to keep it vital and ever evolving. Faculty members in all disciplines need to become more aware of the problems besetting their segment of the enterprise and then, hopefully enabled and supported by government intervention, rise to the challenge of reclaiming academic primacy in higher education.

**Frank G. Splitt**, a Life Fellow of the IEEE and a Fellow of the International Engineering Consortium, is a former McCormick Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, and a member of ASEE and The Drake Group. He was a member of the inaugural ABET Industry Advisory Council and the recipient of the *2006 Robert Maynard Hutchins Award*.

## NOTES

<sup>1</sup> Splitt, Frank G., “Reclaiming Academic Primacy in Higher Education: A Brief on Working for Reform in Intercollegiate Athletics and Engineering Education, p. xi, IEC Publications, Chicago, IL, Dec. 31, 2003, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)

<sup>2</sup> Farrey, Tom, “Defining bravery in college sports,” *ESPN.com*, Oct. 7, 2003, <http://espn.go.com/ncaa/s/2003/1006/1632030.html>

<sup>3</sup> Splitt, Frank G., “Employing Academically Unqualified College Athletes,” *CollegeAthleticsClips.com*, Feb. 5, 2006, [http://thedrakegroup.org/Splitt\\_Unqualified\\_College\\_Athletes.pdf](http://thedrakegroup.org/Splitt_Unqualified_College_Athletes.pdf)

<sup>4</sup> Schakowsky, Janice D. “Call for attention to the work of Dr. Frank Splitt,” Congressional Record, Extension of Remarks, March 17, 2005, – p 9, [http://thedrakegroup.org/Splitt\\_Essays.pdf](http://thedrakegroup.org/Splitt_Essays.pdf)

<sup>5</sup> Duderstadt, James J., *Intercollegiate Athletics and the American University: A University President's Perspective*, First paperback edition, University of Michigan Press, 2003.

<sup>6</sup> Splitt, Frank G., ‘The Faculty-Driven Movement to Reform Big-Time College Sports,’ IEC Publications, Chicago, IL, July 13, 2004, [http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf)

<sup>7</sup> Attention was also called to the NCAA’s penchant for quoting statistics characterizing all sports programs rather than the far more alarming results of the large revenue sports of football and men’s basketball, the perpetuation of the NCAA’s contrived amateur ‘student-athlete’ myth, their deceptive self portrayal as an institution of higher education, and the perverse federal tax-policies governing seat licenses, luxury skyboxes, corporate sponsorships and other unrelated business income, that help fuel the athletics arms race.

<sup>8</sup> Will, George, “Tax Breaks for Football (Factories),” *The Washington Post*, Oct. 25, 2006.

<sup>9</sup> *The Dec. 5, 2006 Senate Finance Committee Hearing*, <http://www.senate.gov/~finance/sitepages/hearings.htm>

<sup>10</sup> In addition to the print edition, an online version of this issue will be posted at URL <http://mtprof.msun.edu/Spr2007/splitt.html>

<sup>11</sup> My EECS Department hosted website (focused on engineering education and sustainable development) was recently shutdown by Northwestern’s senior administration – a seeming consequence of my article for *The Montana Professor* and work with Congress – calling to mind the earlier retraction of my honorary McCormick Faculty Fellow title and position, [http://thedrakegroup.org/Splitt\\_Statement\\_on\\_Academic\\_Retaliation.pdf](http://thedrakegroup.org/Splitt_Statement_on_Academic_Retaliation.pdf)

<sup>12</sup> Editors, “In Focus: The Spellings Commission,” *InsideHigherEd.com*, <http://insidehighered.com/news/focus/commission>. Note, this URL provides access to an extensive list of references on the work of the Spellings Commission.

<sup>13</sup> These incremental tax revenues could help finance a boost in the federal investment in basic research, recruitment of future Science, Technology, Engineering, and Mathematics (STEM) teachers, and scholarships for undergraduate STEM and other students interested in attending college to learn, not just to ‘play ball.’

# Troubling U.S. Financials: Lessons for the reform minded

*a CLIPS GUEST COMMENTARY*

*After viewing 60 Minutes segment about the national debt, our guest author makes a comparison to runaway college athletics spending.*

*by Frank G. Splitt*

**STEVE KROFT'S MARCH 4, 2007, CBS 60 MINUTES' REPORT,**<sup>1</sup> "U.S. Heading For Financial Trouble?," featured David Walker, the comptroller general of the United States who runs the Government Accountability Office. The report is instructive for reform-minded individuals and organizations such as The Drake Group that is working to restore academic and financial integrity in higher education. Here's why:

Walker has analyzed our government's income, liabilities, and future obligations and concluded the numbers don't add up. According to Walker, "its been called the "dirty little secret everyone in Washington knows" – a set of financial truths so inconvenient that most elected officials don't even want to talk about them."

Walker considers the situation so bad that he has given up on elected officials and taken his message directly to taxpayers and opinion makers, hoping to shape the debate in the next presidential election – believing the American people are starved for truth and leadership. He is telling civic groups, university forums and newspaper editorial boards that the U.S. has spent, promised, and borrowed itself into such a deep hole it will be unable to climb out if it doesn't act now.

As Walker sees it, the survival of the American republic is at stake, saying: "The fact is that we don't face an immediate crisis. And, so people say, 'What's the problem?'" His answer is: "We suffer from a fiscal cancer. It is growing within us. And if we do not treat it, it could have catastrophic consequences for our country." The cancer, Walker says, are massive entitlement programs we can no longer afford, exacerbated by the retirement of baby boomers.

Senate Budget Committee Chair Senator Kent Conrad (D-ND) agrees with Walker's figures and his projections. Conrad acknowledged that most people in Washington are aware how bad the situation is. He told Kroft: "They know in large measure here, Republicans and Democrats, that we are on a course that doesn't add up." Kroft then asked: "Why doesn't somebody do something about it?" Senator Conrad's response: "Because it's always easier not to. Cause it's always easier to defer, to kick the can down the road to avoid making choices. You know, you get in trouble in politics when you make choices."

Amplification of Walker's message came the next day, March 5, in a *Wall Street Journal* article, "Clinton Brings Debt Worries to the Fore," by Deborah Solomon and John Harwood. The authors say Senator Hillary Clinton (D-NY) is sounding a theme likely to recur among 2008 presidential hopefuls – warning about the "economic vulnerabilities" posed by foreign interests owning large amounts of U.S. debt and that President Bush's economic policies have contributed to an "erosion of U.S. economic sovereignty." The article states that Clinton also said it is "undeniable that the exponential growth of foreign debt in the last six years has undermined our economic standing."

All of the above calls to mind the over-commercialized college sports entertainment industry that distracts the American public from the worries of the world and school officials from the academic missions of their institutions. This too is a growing cancer as it threatens the long-term viability of America's system of higher education.<sup>2,3</sup>

The government's favorable tax policies, viewed as entitlements by the NCAA and its member institutions, not only help fuel the athletics arms race, but also enable coaches as well as school, NCAA, and various big-time conference officials to gorge at a huge tax-free money trough. Putting an end to this practice could prove to be a real cancer killer – providing substantial incremental tax revenues besides.

Absent the 'lesson' from Walker, one might think that the NCAA's disingenuous reply to House Ways & Means Chairman Bill Thomas' October 2, 2006, letter and University of Michigan President Emeritus Jim Duderstadt's thought provoking testimony at the December 5, 2006, Senate Finance Committee Hearing, "Report Card on Tax Exemptions and Incentives for Higher Education,"<sup>3</sup> would certainly stimulate a call for a hearing to followup on Thomas' inquiry. The House Committee on Ways & Means and the Senate Finance Committee are both well suited to the task as are the House Committee on Oversight and Government Reform and the House Subcommittee on Commerce, Trade, and Consumer Protection.

The Drake Group will continue to work with Duderstadt and others in the higher education community to keep the congressional challenge to the NCAA's tax-exempt status from being stifled. It is our hope that working together, the Congress can build a bipartisan consensus to require accountability, transparency, and oversight that will help restore academic and financial integrity in higher education.

If the NCAA is left to operate "foot loose and tax free" at the expense of American taxpayers and the future health of America's system of higher education, it will be because the Congress does not have the will to take action against the NCAA's college sports entertainment juggernaut – choosing instead to "kick the can."

#### **WEB LINKS**

1. <http://www.cbsnews.com/stories/2007/03/01/60minutes/main2528226.shtml>
2. [http://thedrakegroup.org/Splitt\\_The\\_Interface.pdf](http://thedrakegroup.org/Splitt_The_Interface.pdf)
3. <http://mtprof.msun.edu/Spr2007/splitt.html>
4. <http://thedrakegroup.org>

*Frank G. Splitt is a former Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, a member of The Drake Group, and the recipient of the 2006 Robert Maynard Hutchins Award. His essays and commentaries on college sports reform can be viewed at The Drake Group Website.<sup>4</sup> This commentary was written on 3-7-07 for College Athletics Clips.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

# The Congressional Challenge to the NCAA Cartel's Tax-Exempt Status

*Sunlight is said to be the best of disinfectants.*  
—Supreme Court Justice Louis Brandeis

by **Frank G. Splitt**

BACKGROUND – The cover story for the March 23, 2007, issue of the National Catholic Reporter, headlined "March Madness highlights sports vs. academics dispute," carried the tone-setting subtitle, "Big money, pressure to perform distort purpose of athletics, critics claim."<sup>1</sup> Prominent mention of The Drake Group (TDG) within the story prompted several inquiries concerning TDG's congressional initiative. Here's what's going on:

THE TDG CONGRESSIONAL INITIATIVE – Simply put, the initiative is aimed at restoring academic and financial integrity in big-time collegiate athletics. It was triggered by the 2004 publication of "The Faculty-Driven Movement to Reform Big-Time College Sports."<sup>2</sup> To accomplish this aim, TDG is now advocating for a follow up on the congressional challenge to the NCAA cartel's tax-exempt status initiated by the 109th Congress' House Committee on Ways & Means, beginning with a focused hearing on intercollegiate athletics.

TDG believes that such a hearing would expose the "real" mission of the NCAA and the intercollegiate athletic departments of its member institutions (especially those with NCAA Division I football and men's basketball programs). This mission is to attract fans, win athletic contests and generate revenue in order to realize often unrealistic financial goals; and, more often than not, this mission compromises the educational mission and the academic integrity of the host university.

A hearing would also expose the NCAA's secretive ways to the light of day. Furthermore, a hearing would call attention to the need for corrective actions that stress transparency (with related academic disclosure), accountability, and oversight – all consistent with the recommendations of Secretary of Education **Margaret Spellings'** Commission on the Future of Higher Education.

## TDG RECOMMENDED CORRECTIVE ACTIONS AND COMMENTS

Action #1 – Address the perverse government subsidization of the NCAA and big-time intercollegiate athletics.

Comment. This action would not only help realign priorities at America's colleges and universities, but also help flip the apparent athletics-over-academics priority at many schools and provide substantial incremental revenues besides. Serious consideration should be given to a quid pro quo.<sup>3</sup> The quid would be a continuation of the NCAA's tax-exempt status, while the quo would be NCAA cartel compliance to specified congressional requirements that would increase the transparency, accountability and oversight of their operations. Holding the NCAA cartel accountable for the substantial financial support it receives from America's taxpayers would be part of this action as would taking a hard look at tax policies governing seat licenses, luxury skyboxes, corporate sponsorships and other unrelated business income that help fuel the current athletic arms race.

Action #2 – Add interpretive wording to the student privacy provisions in the Family Educational Rights and Privacy Act (FERPA) to make clear that such legislation does not prohibit release of information on the academic performance of individual athletic teams, so long as the data do not identify individual team members.



Comment. This action is intended to promote transparency – stripping the NCAA cartel of its excuse for not providing evidence of institutional misbehavior. The acquisition of ‘padded’ data, can be minimized by limiting the requirement for record disclosure to FERPA compliant cohorts representing 50% of the school’s football and basketball team players with the most playing time. Recommended records would consist of courses taken by the cohort, average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses, and whole-period class attendance for the athletes.

Action #3 – Require the NCAA and its member institutions to set up guidelines that will permit athletes to function as real students—having the institutions provide tangible evidence that they practice what they preach, i.e., evidence that their athletes attend regular whole-period classes on accredited degree tracks and that the athletes are maintained as an integral part of the institution’s student body where academic standards of performance for athletes are the same as for all other students.

Comment. Allen Sack TDG has outlined the following three representative guidelines: 1) Freshman should be ineligible for varsity basketball and football, 2) Require students to maintain a 2.0 grade point average, and 3) The NCAA should require schools to provide five-year scholarships that cannot be terminated for reasons unrelated to academics.<sup>1</sup>

TDG CONCERNS – One of our primary concerns is that the issues surrounding the big-time college sports mess could be drowned out in Washington by issues related to the wars in Iraq and Afghanistan, elections, health care and other pressing domestic problems, and political scandals du jour.

Another major concern is the launching of powerful (potentially overwhelming) defensive counter measures by the richly resourced NCAA. Why? Although the corrective actions would work to reclaim academic primacy as well as restore academic and financial integrity in America’s institutions of higher education, they would, no doubt, be considered by the NCAA to be detrimental to the financial interests of their cartel’s big-time commercialized college sports entertainment businesses. So, it is expected that these interests will be defended at all costs.

It is to be noted that the seriousness of big-time collegiate sports related issues is being downplayed by the NCAA’s lobbyists and their PR spin masters. The most prominent NCAA spinner is their president, Myles Brand, who not only seems to believe that he ‘got away’ with his disingenuous response to Bill Thomas’ inquiry, but also continues to trivialize the inquiry. For example, Brent Schrottenboer reported recently that Brand blames last year’s congressional inquiry into the NCAA’s tax-exempt status on “critical faculty members who prompted a staff member in the congressman’s office to do this, saying: “That’s what happened there. That’s gone away.”

CONCLUDING REMARKS – NCAA and university public service announcements are not “proof” of the fulfillment of their educational missions. Without transparency, accountability, and oversight, no other college-sports “problem” can be resolved. TDG believes that once this fundamental management problem is addressed, the likelihood of other college-sports problems being remedied is greatly enhanced. No disclosure, no reform!

As George Will opined on potential congressional hearings on the tax-exempt status of the NCAA: “Such hearings will be embarrassing, if people who operate football and basketball factories are capable of embarrassment.<sup>5</sup> One thing is certain, the NCAA and its member institutions will not take responsible action unless and until they are ‘motivated’ by the Congress to do the “right thing” so as to retain their tax-exempt status.

March 26, 2007

#### NOTES

1. Feuerherd, Joe, "March Madness highlights sports vs. academics dispute," National Catholic Reporter, March 23, 2007. Note: The following URL is accessible only to NCR subscribers.

[http://ncronline.org/NCR\\_Online/archives2/2007a/032307/032307a.php](http://ncronline.org/NCR_Online/archives2/2007a/032307/032307a.php). See the appendix for a text-only copy of this article.

2. Splitt, Frank G., "The Faculty-Driven Movement to Reform Big-Time College Sports"

[http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf) , Sequel to the Brief "Reclaiming Academic Primacy in Higher Education, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)

3. \_\_\_\_\_, "How About a Quid Pro Quo,"

[http://thedrakegroup.org/Splitt\\_How\\_About\\_a\\_Quid\\_Pro\\_Quo.pdf](http://thedrakegroup.org/Splitt_How_About_a_Quid_Pro_Quo.pdf)

4. Schrotenboer, Brent, "'NCAA's profits get more scrutiny,'" San Diego Union Tribune" March 14, 2007, [http://www.signonsandiego.com/sports/college\\_basketball/20070314-9999-1s14ncaa.html](http://www.signonsandiego.com/sports/college_basketball/20070314-9999-1s14ncaa.html):

5. Will, George, "Question time for tax-exempt status of football factories," Washington Post, Oct. 25, 2006.

## APPENDIX – March Madness highlights sports vs. academics dispute:

### *Big money, pressure to perform distort purpose of athletics, critics claim*

Used with the permission of *THE NATIONAL CATHOLIC REPORTER*

March 23, 2007

By Joe Feuerherd

*Washington* – To millions of Americans, not least those rooting for one of the nine Catholic universities participating in this year's men's National Collegiate Athletic Association (NCAA) Division I basketball tournament, March Madness is a time of near nirvana: Crack open a beer, curl up on the couch and watch endless hours of highly skilled undergraduates soaring over 10-foot rims. It doesn't get any better.

But to others, including some increasingly vocal university faculty members, it could hardly be worse. March Madness, they say, is not innocent fun and games, but an aptly named symptom of an insanely organized and increasingly commercialized college sports system badly in need of an intervention.

The problem is most severe, critics say, among the "revenue-generating" programs -- men's football and basketball. CBS Television, for example, paid \$6 billion in 1999 for the rights to broadcast the NCAA tournament through 2014.

"In the last 10 years bigtime college sports has definitely swamped academic values and transformed bigtime college athletes into paid employees in a multibillion dollar industry," said Allen Sack, a University of New Haven sociologist and coauthor of *College Athletes for Hire: The Evolution and Legacy of the NCAA's Amateur Myth* (Praeger Publishers, 1998). Sack's views were shaped as much on the gridiron as in the ivory tower: He was a starting defensive end for Notre Dame's 1966 national championship football squad.

A critical juncture was reached last year, Sack told NCR, when NCAA president Myles Brand "crossed the line" by embracing the commercial aspects of university athletic programs.

In his annual "state of the association" address, Brand said, "Commercial activity, meaning for example, the sale of broadcast rights and logo licensing, is not only acceptable, but mandated by the business plan, provided that [emphasis in the original text] it is done so in a way that fully respects the underlying principles of the university.

"Instances in which advertising is offensive, in which it is crass or overwhelming, are incompatible with these values," he continued. "But commercialism per se [emphasis in the original text] is not. It depends entirely on how the commercial activity is conducted."

Sack does not buy the notion that the hunt for big bucks has little impact on the academic life of college athletes or the culture of a university. "Making billions of dollars and making more and more every year

heightens the pressure on college coaches to win, makes television ratings far more important than ever before, and thereby takes this pressure that is now on the coaches to win, or else they will be fired, and pushes that pressure down to the athletes. That's inevitable."

Corruption is nothing new to collegiate men's basketball and football.

In 1906, the NCAA was created at the behest of President Teddy Roosevelt to combat the brutality present in men's football. Among the group's first findings: Athletic scholarships were incompatible with higher education and amateur intercollegiate athletics because they amounted to payments to players.

In 1950, players for the national championship City College of New York basketball squad were charged with "shaving points" -- intentionally scoring less than they might have otherwise to allow gamblers to "cover the spread" on their bets. Similar gambling-related scandals hit St. Joseph's of Philadelphia in 1961 (the school was stripped of its third-place finish in the championship tournament as a result), Boston College in the late 1970s, and Northwestern and Arizona State in the 1990s.

More recently, in 2004, Colorado State University was rocked by a recruiting scandal in which prospective football players, teenagers all, were supplied with alcohol and prostitutes as an inducement to sign with the Rams. That type of recruitment technique, frequently the product of overzealous alumni boosters, led former University of Nevada-Las Vegas head basketball coach Jerry Tarkinian to comment that he preferred transfer students to incoming freshman because "their cars are already paid for."

### **NCAA's harshest critic**

Founded in 2000, the Drake Group (so named because it was the brainchild of retired Drake University professor Jon Ericson) has emerged as both the NCAA's harshest critic and chronicler of collegiate athletic corruption. Among its more vocal members is Frank Splitt, a one-time semi-pro baseball pitcher, holder of nine patents, and, until recently, a faculty fellow in engineering at Northwestern University.

His indictment of college sports is both well-informed and harsh. It includes:

- Admission standards for athletes that often have more to do with tackling, blocking, throwing, shooting and dribbling skills than SAT scores.
- Skyrocketing athletic budgets (including long-term debt associated with the construction of new football stadiums and basketball arenas) at the expense of academic programs. Spending on athletic programs has increased at about twice the rate of other university spending.
- Pressure on faculty to pass nonperforming students who are key to the success of a schools' basketball or football programs.
- Retaliation against faculty members who blow the whistle on plagiarism and other academic abuses by athletes and their athletic department-sponsored tutors.
- Programs that require time and travel commitments from players that make class attendance sporadic at best, impossible at worst.
- Seven-figure salaries (and separate product endorsement deals that flow from their position at the university) for the most coveted coaches.
- Scandalously low graduation rates for Division I basketball and football players.

The only way to true reform, says Splitt, is for Congress to intervene. Lawmakers should use the stick of potentially withholding a school's valuable tax exemption, says Splitt, in return for concrete steps to guarantee that student-athletes are students first and foremost.

His efforts have gotten some attention in Congress and from the NCAA.

In a 25-page October 2006 letter, then-House Ways and Means Committee Chairman Bill Thomas, R-Calif., wrote to NCAA president Brand, "Educational organizations comprise one of the largest segments of the tax-exempt sector, and most of the activities undertaken by educational organizations clearly further their exempt purpose."

He continued, "The exempt purpose of intercollegiate athletics, however, is less apparent, particularly in the context of major college football and men's basketball programs.

"Corporate sponsorships, multimillion-dollar television deals, highly paid coaches with no academic duties, and the dedication of inordinate amounts of time by athletes to training lead many to believe that major college football and men's basketball more closely resemble professional sports than amateur sports," wrote Thomas. "Beyond rules prohibiting compensation for college athletes, what actions has the NCAA taken to 'retain a clear line of demarcation' between major college sports and professional sports?"

Brand responded, "The lessons learned on the football field or men's basketball court are no less in value or importance to those student-athletes than the ones learned on the hockey rink or softball diamond -- nor, for that matter, than those learned in theater, dance, music, journalism or other non-classroom environments.

"If the educational purpose of college basketball could be preserved only by denying the right to telecast the events, students, university faculty and staff, alumni, the institutions of higher education themselves and even the American taxpayer would ultimately lose," he continued. "The scale of popularity and the media attention given to football and men's basketball do not forfeit for those two sports the educational purpose for which they exist."

### **He removed Bobby Knight**

Brand, in fact, has positioned himself as a reformer. As president of Indiana University in 2000, he led the charge to remove controversial basketball coach Bobby Knight as coach of the Hoosiers perennially winning and much beloved basketball team. Brand says the NCAA has instituted new programs, including the loss of athletic scholarships for schools with failing grades in athlete graduation rates, that are making university presidents more accountable and athletes more academically oriented.

Brand notes, for example, that the "Graduation Success Rate" -- a measure developed by the NCAA to track athlete progress -- is higher among Division I athletes (with 77 percent graduating within six years) than among the general student population. "There is little that frustrates me more than critics of college sports who get the facts wrong and make derogatory comments about the academic accomplishments of student-athletes," Brand said in his January "state of the association" speech.

He continued, "Critics pounce on the point that football and male basketball student athletes graduate at lower rates than the general male student population. They are right, and improvement is needed. But they very often fail to note some key exceptions and overall improvement," including the fact that African-American football and basketball players are more likely to graduate than their counterparts in the general student population. "We do need to do better in higher education in graduating African-Americans, but in athletics, we have, in fact, made genuine progress," said Brand.

Still, argue Splitt and others, it will take more than incremental changes from the NCAA to counter the so-called "Flutie Effect" -- the positive impact a high-profile sports program is thought to have on the quality of an admissions pool, alumni morale and fundraising. The trend bears the name of former Boston College quarterback Doug Flutie, whose last minute "Hail Mary" pass in the 1984 Orange Bowl resulted in

both a victory for the Eagles and widespread positive publicity for the Jesuit-run school, which experienced a spike in both admissions and the quality of applicants as measured by their SAT scores.

Meanwhile, the pressure to perform is felt acutely at the University of Notre Dame, said Sack of his alma mater. And though the school has a justified reputation for academic achievement among athletes, he said, "they are hanging on a very thin thread." The university's multiyear, multimillion dollar television contracts with NBC and ESPN increases the pressure to win so that those games remain popular with viewers and the contracts are renewed.

That pressure was evident in late 2004 when the university fired football coach Tyrone Willingham in the third year of a five-year contract. Willingham's teams finished 21-15 during his tenure, not good enough for a school that traces its gridiron roots to Knute Rockne and hopes to keep the television revenue pouring in. Willingham's dismissal was a first for the Fighting Irish, which had not previously let a football coach go prior to the end of his contract.

On one level, at least, the move seems to have paid off. Under coach Charlie Weis the team finished 10-3 in 2006.

Notre Dame's Golden Dome is a far cry, perhaps, from the two Division III schools, the University of Scranton and The Catholic University of America, where Jesuit Fr. William Byron served as president. The football coach at Scranton, recalled Byron, held practice for two hours each day, from 6:30 in the morning until 8:30, because a number of the players were premed majors who needed to be in the laboratory in the afternoon. "It was a great balance between academics and athletics," he said.

Byron served on the NCAA presidents' committee in the 1980s, a body designed to move some of the decision-making authority for sports from university athletic directors to university presidents. He's convinced that there is no absolute contradiction between bigtime sports and bigtime academics, noting that schools such as the University of Michigan and Penn State are renowned for both their athletic prowess and their capabilities as research and teaching institutions. It's not brain surgery, said Byron: "If you're going to have a college athletic program, you have to stick to your principles and stay within the guidelines."

### **Guidelines should change**

Those guidelines, however, should change, argues Sack. Though the NCAA considers such reforms "radical," he said that three changes in NCAA rules would go a long way toward restoring the balance he says is missing in universities that mount major sports efforts.

First, freshman should be ineligible for varsity basketball and football. "It's unconscionable for a young man or woman with marginal academic skills" to have to deal with the pressure of Division I competition while adjusting to the changes inherent in the first year away from home, Sack said.

Next, he said, require students to maintain a 2.0 grade point average. It's not too much to expect a legitimate student to have a "C" average, said Sack.

Finally, the NCAA should require schools to provide five-year scholarships that cannot be terminated for reasons unrelated to academics. Such a move, said Sack, would demonstrate the school's commitment to the student athlete is not contingent on performance on the basketball court or football field.

***Joe Feuerherd is NCR Washington correspondent. His e-mail address is [jfeuerherd@ncronline.org](mailto:jfeuerherd@ncronline.org).***

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***TEL: 816-531-0538 FAX: 1-816-968-2280***

# THE ACADEMIC PERFORMANCE OF COLLEGE ATHLETES: No Doubt Worse Than Reported

by Frank G. Splitt

April 9, 2007

## BACKGROUND

Like a new rite of spring, the academic performance of college athletes participating in the NCAA "March Madness" basketball tournament has come up for discussion on the *PBS NewsHour with Jim Lehrer*. The *NewsHour* segments, timed to coincide with the tournament finals, have focused on academic performance measures such as Graduation Rates (GRs) and Academic Progress Rates (APRs).<sup>1-3</sup>

The March 30, 2007, *NewsHour* segment "Colleges Need to Improve Academic Success of Athletes, Studies Show," was hosted by Jeffrey Brown.<sup>1</sup> Brown's guests were Sportswriter Kevin Blackstone and Dr. Richard Lapchick, director of the Institute of Diversity and Ethics in Sports (IDES) at the University of Central Florida (UCF). The discussion centered on the 2007 IDES study and analysis of the GRs and APRs for the tournament teams, as reported by the NCAA.<sup>4</sup> The theme-setting lead-in to the online version of the segment stated: "Recent studies of NCAA programs suggest that colleges need to do more to ensure their student-athletes graduate, rather than simply generate revenue and attention for their schools."

This year's *NewsHour* segment was complemented by Noah Buhayar's *Online NewsHour Extra*, "College Players Struggle to Make the Grade: Colleges' Record Mixed When It Comes to Graduation Rates Among Basketball Players."<sup>5</sup> The corresponding lead-in to the *Extra* read: "Despite excelling on the court, student athletes on many of the best college basketball teams in the nation have an alarmingly low graduation rate, according to a new study."

## THE NEWSHOUR SEGMENT

Several excellent questions were posed by Jeffrey Brown, and, for the most part, he received informed responses from his guests. However, two exchanges were troubling, but not surprising.<sup>4</sup> Avoided, were issues relative to reform measures that have been launched to curb academic corruption in big-time intercollegiate athletics ... reform that has been adamantly resisted by the NCAA.

Though well intended, the *NewsHour* segment inadvertently left the impression that the solution to the poor academic performance problem of college athletes is well in hand – the NCAA's APR process and loss-of-scholarship penalties coupled with NCAA President Myles Brand's leadership are wholly adequate to the task of improving the situation.

This was the same impression that was given by the *NewsHour*'s "March Madness" segment in past years.<sup>2,3</sup> The bottom-line message to viewers: There are problems, but there is no need for concern, Brand and the NCAA prescribed APR will provide the needed remedy. Nothing could be further from the truth.

## THE REALITY

Given the enormous broadcasting revenues at stake, the NCAA faces a conflict between its sometimes-contradictory roles as promoter and governor of intercollegiate athletics. Consequently, the NCAA cartel is incapable of reforming itself. However, backed by its

enormous financial resources, the NCAA is more than capable of creating the illusion of reform to cloak its phony “student-athlete’ ruse.<sup>7</sup> Why? Simply put, the answer is to protect its tax-exempt status as an institution of higher education.

According to syndicated sport columnist Bob Gilbert, **the** Final Four in this year’s “March Madness” “is the most convincing evidence yet that big-time college football and basketball teams that achieve lofty national ranking take priority over academics at those universities. To be sure, NCAA president Myles Brand and the NCAA’s corporate sponsors will find ways to spin a positive story out of the 2007 Final Four’s dismal performance in the classroom. But it’ll all be a lie.”<sup>8</sup>

### **THE NCAA’S ACADEMIC PROGRESS RATE (APR)**

The NCAA’s highly touted APR was put in place to provide the illusion of reform for the general public, the media, and the Congress.<sup>9</sup> As a former university president, Myles Brand is now highly compensated to provide the NCAA with an academic front for this and other window-dressing types of reform initiatives.

In a nutshell, like graduation rates, the NCAA’s member institutions self assess and report GRs and APRs without independent oversight. As Walter Byers, who served as NCAA executive director from 1951 to 1987, said when speaking of a college’s reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: “Believe me, there is a course, a grade, and a degree out there for everyone.”

Thus, the integrity and quality of the data IDSE receives from the NCAA for its study is suspect to say the very least. Why? Because the huge amount of money involved with winning at the NCAA D-1 level provides ample motivation for schools to cheat by not only keeping academically unqualified blue-chip athletes eligible by any means necessary, but graduating them as well. The latter is a real-life ‘twofer’ – providing an increase in the institution’s GR as well as a payment-in-kind salve for the consciences of guilt-prone presidents and governing boards who choose to look the other way in the face of the academic corruption that enables their schools to recruit and maintain the eligibility of teams likely to be among the NCAA tournament’s chosen few.

As Richard Southall, associate professor of Sport and Leisure Management at the University of Memphis, said in the *NewsHour Extra*, teams often recruit students who are under-prepared for college-level academics, then force them to miss classes for games and devote huge amounts of time to training and practice. “We’re setting the kids up for failure, and then we blame them,” Southall said. “That, to me, is the height of exploitation.”

Under the present circumstances, like the Congress and the Department of Education, the IDSE has no choice but to trust the data provided by the NCAA and, by extension, its member academic institutions, notwithstanding the questionable integrity and quality of these data.

Put another way, potentially untrustworthy data must be taken at face value by IDSE as a prerequisite for their study. These data are then meticulously analyzed and reported upon – giving them an unwarranted patina of ‘official’ credibility, but little sense as to the quality of the degrees that make up the data, much less a sense of what is really going on behind the scenes at the institutions providing the data. But, being exploited and not getting the education they deserve doesn’t mean college athlete entertainers won’t be kept eligible to compete and be given a degree as well.

## **THE PROPAGANDA OF NUMBERS**

The GRs and APRs are basically educational statistics. As mentioned previously, the GR data comes from schools that have every reason to cheat – more to avoid bad publicity than to avoid the pitifully weak penalties imposed by the NCAA. This, notwithstanding what Dr. Lapchick told the *NewsHour* on March 30, "scholarships are [teams'] bread and butter. ... How they stay in contention to get in the tournament;" and the *NewsHour Extra* statement by Britt Kirwan, current Chancellor of the University of Maryland and a member of the NCAA co-opted Knight Commission on Intercollegiate Athletics.<sup>10</sup> Kirwan said. "When some high-profile teams start losing scholarships, you're going to see some pushback."

When it comes to educational statistics, spin is in and due diligence is crucial, wrote Clifford Adelman, a senior associate at the Institute for Higher Education Policy.<sup>11</sup> Adelman concluded his remarks by saying: "The point, then and now, is that descriptions of reality matter. Whether the statistics presented to you about higher education are official, derived from official data, or unofficial, make sure you know how they were produced, check them against other numbers whenever possible, and challenge whenever justifiable. Make that a matter of breathing in and breathing out." The IDES report on GRs and the NCAA's APR reports are two cases in point.<sup>12</sup>

## **AN OPTIMISTIC TREND?**

Dr. Lapchick has said the IDES study indicates that while graduation rates have gone up in recent years, "the lingering bad news is the continuing disparity in the academic success between African-American and white men's basketball student-athletes."<sup>1, 4</sup> Here, the takeaway is that the IDSE study indicated an improvement in graduation rates. Nevertheless, it is contended that there is no way of knowing whether or not these improved rates reflect real improvement in educational outcomes for college athletes. Put another way, there is no basis for knowing how much of this reported improvement is verifiable – in the sense that the degrees were earned in accredited majors – and how much of the improvement is attributable to academic corruption.

No doubt, the poor academic performance reported by IDSE is much better than it would be in a transparent system with independent oversight. The results of the IDSE study are still troubling – given the millions of dollars some schools earn from their basketball programs and the millions of dollars these schools spend on elaborate academic eligibility centers to provide an alternative education for their athletes.

In the *NewsHour Extra*, Buhayar reported that some leaders in higher education see rising graduation rates and the NCAA's commitment to tracking academic progress as a good sign. Maryland's Kirwan, seems optimistic about the NCAA's new guidelines, saying: "I would concur that graduation rates don't necessarily measure what students are learning, but that doesn't mean that this measure is not a good one to have."<sup>3</sup> According to Buhayar, Kirwan believes that holding schools accountable for their players' progress toward degrees will force athletic programs to start addressing a long-standing problem. This raises a crucial question: Just who will be holding the schools accountable?

## **WHAT'S REALLY NEEDED**

Without an independent outcomes assessment of student learning, IDES and the government have to take a school's word on GRs and APRs for their athletes. If colleges and universities are ever going to produce, collect and publish meaningful and trustworthy information about student outcomes, accreditors need to force them to do so. Why? Because the NCAA will not require their member schools to do it. Disclosure of even aggregated outcome assessments on the



athletes in their football and basketball programs – compliant with the Family Educational Rights and Privacy Act – would expose the NCAA’s phony student-athlete scheme to the light of day.

In the future, transparency/disclosure could enable the provision of more trustworthy GR and APR data from the schools as well as tangible evidence justifying the NCAA’s tax-exempt status. But that won’t even begin to happen until schools require their athletes to perform as real students – maintaining them as an integral part of their student bodies where academic standards of performance for athletes are the same as for the general student body. And that won’t happen unless and until transparency/disclosure is mandated by the Congress

### **CONGRESSIONAL INQUIRY**

What really stood out on the *NewsHour* segment was that no mention was made of the pressure exerted on the NCAA cartel by the continuing congressional inquiry into the justification of the NCAA's tax-exempt status as an institution of higher education.

The Drake Group worked with staff members of the Oversight Subcommittee of the House Committee on Ways & Means during the past year to illuminate the true professional nature of big-time college sports, its tight connection to the entertainment business, and its marginal relevance to the educational, tax-exempt mission of its member institutions, as well as its negative impact on America’s K-16 education system. The Drake Group has advocated for government intervention – contending that academic integrity can only be assured by means of transparency (with related academic disclosure), accountability, and oversight. Nor, was mention made of media pressure on the NCAA such as expressed by the *New York Times*, the *Washington Post*, the *Wall Street Journal*, and, most recently by the *National Catholic Reporter*.

### **TRUTH TELLING**

In the words of Barbara Tuchman: "Telling the truth about a given condition is absolutely requisite to any possibility of reforming it." But who wants to hear the truth? Sadly, the following sentiments appear to be widely held by those who benefit from participation in the highly commercialized college sports entertainment business, including rabid fans and alumni who hold reform-minded faculty in various levels of contempt:

“You weep for the student-athlete and you curse the money in sports. You have the luxury of not knowing what we know: that the student-athlete’s death, while tragic, probably saved colleges. And our existence, while grotesque and incomprehensible to you, saves colleges. You don’t want the truth because deep down in places you don’t talk about at parties, you want us on TV, you need it on TV....We have neither the time nor the inclination to explain ourselves to people who rise and sleep under the blanket of the very entertainment that we provide and then question the manner in which we provide it. We would rather you just said thank you and went on your way....”<sup>13</sup>

The truth will likely cause no public explosion of shock, horror, and disbelief. Nevertheless, here are some additional actions aimed at getting the truth out to the public and to the Congress:

- The Drake Group’s March 28-29, Conference, "Academic Integrity and College Athletics in the 21st Century: On the Road to Disclosure?," emphasized the need for disclosure while honoring Dr. Linda Bensel-Meyers for her courageous defense of academic integrity.<sup>8</sup>
- The Drake Group directors approved “A Commentary on NCAA President Myles Brand's November 13, 2006, Reply to the Honorable William Thomas's Letter of October 2, 2006.” The press release of this document is scheduled for April 10, 2007.<sup>14</sup>

- The essay, "The Congressional Challenge to the NCAA Cartel's Tax-Exempt Status," with its appended "March Madness" cover story from the *National Catholic Reporter*,<sup>15</sup> has been widely distributed within the Congress as will the Spring 2007 issue of the IEEE/ASEE *Interface* that carries a piece titled: "THE U. S. CONGRESS, HIGHER EDUCATION, AND COLLEGE SPORTS REFORM: Signs of Progress, Truth, and Consequences."<sup>16</sup>
- The essay, "THE U. S. CONGRESS: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," has been published in the Spring 2007 issue of *The Montana Professor*.<sup>17</sup>

## CONCLUDING REMARKS

The *NewsHour* has been providing a valuable public service by airing segments dedicated to the illumination of the problems in college sports such as the continuing poor academic performance of college athletes. Unfortunately, by accepting and reporting on data from the NCAA and schools without due diligence, it appears that the IDES and the *NewsHour* have become unwitting members of the NCAA cartel's PR propaganda machine.

To help clean up NCAA/school provided data and the academic corruption behind it, The Drake Group has advocated for government intervention -- contending that academic integrity can only be assured by means of transparency (with related academic disclosure), accountability, and oversight.

Hopefully, future coverage of the subject by the *NewsHour* and others in the media will reflect this compelling need for truth telling about the hypocrisy in big-time college sports.

**Frank G. Splitt**, a Life Fellow of the IEEE and a Fellow of the International Engineering Consortium, is a former McCormick Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, and a member of The Drake Group. He was the recipient of the 2006 *Robert Maynard Hutchins Award*. His essays and commentaries on college sports reform are available on the Web.<sup>14</sup>

## NOTES

1. [http://www.pbs.org/newshour/bb/sports/jan-june07/ncaa\\_03-30.html](http://www.pbs.org/newshour/bb/sports/jan-june07/ncaa_03-30.html)
2. [http://www.pbs.org/newshour/bb/sports/jan-june06/ncaa\\_3-31.html](http://www.pbs.org/newshour/bb/sports/jan-june06/ncaa_3-31.html)
3. [http://www.pbs.org/newshour/extra/features/jan-june05/ncaa\\_3-14.htm](http://www.pbs.org/newshour/extra/features/jan-june05/ncaa_3-14.htm)
4. Lapchick, Richard, "Keeping Score When It Counts: Graduation Rates for 2007 NCAA Division 1 Tournament Teams," <http://www.bus.ucf.edu/sport/cgi-bin/site/sitew.cgi?page=ides/index.htm>
5. Buhayar, Noah, "College Players Struggle to Make the Grade: Colleges' Record Mixed When It Comes to Graduation Rates Among Basketball Players," *Online NewsHour Extra*, April 2, 2007, [http://www.pbs.org/newshour/extra/features/jan-june07/ncaa\\_4-02.html](http://www.pbs.org/newshour/extra/features/jan-june07/ncaa_4-02.html)
6. The following relevant exchanges are **excerpts from the Transcript of the March 30, 2007 NewsHour Segment:**

JEFFREY BROWN: Are they feeling that pressure, do you think, Richard Lapchick? Is that why you see a positive sign here of improvement?

RICHARD LAPCHICK: I think the passage of something called the academic progress rates, which if they fall below a certain standard, starting next year, in terms of their graduation rates, they'll start to lose scholarships.

I speak on college campuses pretty regularly, and people in the athletics department tell me all the time that now they've started to recruit athletes that they are confident will be able to graduate because the coaches do not want to lose those scholarships.

Those scholarships are their bread and butter of how they stay in contention to get in the tournament and to get to this weekend in general.

JEFFREY BROWN: Mr. Lapchick, we just have a minute here, but I wanted to ask you, for those schools that continue to do poorly, how much of an oversight regime is there? Is there anybody really pushing them with some, you know, real hard sanctions?

RICHARD LAPCHICK: Well, this is going to be the first time, starting next year, that the NCAA will be able to penalize them with a loss of scholarships. You know, we've gone for 50 or 60 years with poor graduation rates that have really very recently, under Miles Brand leadership, started to change.

And I think the fact that they are able to put in those sanctions is the primary difference-maker. But I want to point out that, on many of our college campuses, those basketball student-athletes who are African-Americans graduated at a higher rate than African-American students in general.

7. Splitt, Frank G., "[The Student-Athlete: An NCAA False Claim?](http://thedrakegroup.org/Splitt_The_Student_Athlete.pdf)"  
[http://thedrakegroup.org/Splitt\\_The\\_Student\\_Athlete.pdf](http://thedrakegroup.org/Splitt_The_Student_Athlete.pdf)

8. Gilbert, Bob, "A Report on Academic Failure of NCAA's Final Four," *CollegeAthleticsClips.com*, March 30, 2007. For ease of access, this reference has been appended to this essay with permission.

9. Splitt, Frank G., "Why the NCAA's latest reform measures won't work," Item 4, page 7 at URL  
[http://thedrakegroup.org/Splitt\\_Essays.pdf](http://thedrakegroup.org/Splitt_Essays.pdf).

10. \_\_\_\_\_, "College Sports Reform: Beyond the Knight Commission," Item 14, page 28 at URL  
[http://thedrakegroup.org/Splitt\\_Essays.pdf](http://thedrakegroup.org/Splitt_Essays.pdf).

11. Adelman, Clifford, "The Propaganda of Numbers," *The Chronicle of Higher Education, The Chronicle Review*, Oct. 13, 2006. Note that the NCAA has a penchant for quoting statistics characterizing all sports programs rather than the far more alarming results of the large revenue sports of football and men's basketball.

12. Another good example is the NCAA's penchant for quoting statistics characterizing all sports programs rather than the far more alarming results of the large revenue sports of football and men's basketball.

13. Schaeffer, John H., "Handling the Truth," *Sports Illustrated*, March 12, 2007. Note, this is an excerpt from a letter in response to the L. Jon Wertheim's "THE PROGRAM," the March 5, 2007 *Sports Illustrated* portrait of Ohio State athletics. The letter paraphrased the courtroom outburst by Colonel Nathan Jessup in *A Few Good Men*.

14. <http://thedrakegroup.org/splittessays.html>

15. [http://thedrakegroup.org/Splitt\\_Congressional\\_Challenge.pdf](http://thedrakegroup.org/Splitt_Congressional_Challenge.pdf))

16. <http://www.ewh.ieee.org/soc/es/Interface-Apr-07.pdf>, see pages 3-5.

17. A prepublication version can be accessed at [http://thedrakegroup.org/Splitt\\_Montana\\_Professor.pdf](http://thedrakegroup.org/Splitt_Montana_Professor.pdf)

## **APPENDIX – A Report on Academic Failure of NCAA's Final Four**

*a CLIPS GUEST COMMENTARY*

*Our guest author – in step with The Drake Group - has plenty to say about low standards and academic fraud as related to big-time college athletics.*

*by Bob Gilbert*

**THE NCAA MEN'S** Final Four is the most convincing evidence yet that big-time college football and basketball teams that achieve lofty national ranking take priority over academics at those universities.

To be sure, NCAA president Myles Brand and the NCAA's corporate sponsors will find ways to spin a positive story out of the 2007 Final Four's dismal performance in the classroom. But it'll all be a lie.

Ohio State, notorious for its teams' academic performances, plays Georgetown, and Florida faces UCLA in the semifinals Saturday in Atlanta.

Using the NCAA's latest Academic Progress Rate, which measures how well a team is doing in a given semester, UCLA, Ohio State and Florida have failing grades. An APR passing grade is 925 (out of 1,000). UCLA's APR is 915, Ohio State's 911 and Florida's 903. Georgetown's 963 is the only passing APR.

But to show you how disingenuous the NCAA can be in extolling the academic virtues of its most successful on-court or on-field teams, look at the conflicting data the NCAA relies upon.

The Federal Graduation Rate (FGR), which penalizes teams which have had members fail academically and leave school in bad academic standing, shows defending national champion Florida (33-5) leads the Final Four with a 67 FGR, but Georgetown (30-6) graduates only 47 percent, UCLA (30-5) 38 percent and Ohio State (34-3) 10 percent.

The NCAA insists the FGR is unfair, so it came up with a Graduation Success Rate which does not penalize a team which has had players in good academic standing turn pro early or leave school early for some reason.

Florida's FGR is 100 percent, followed by Georgetown 64, UCLA 44 and Ohio State 38. If academics have any standing at all with the NCAA, which they don't, Ohio State and UCLA have absolutely no business being in the Final Four.

The NCAA says it's already taking scholarships away from teams performing poorly academically and that it'll begin denying schools post-season competition beginning next year if their APRs are persistently below 925 or their graduation rates below 50 percent

A growing number of faculty across the nation believes universities, with the blessings of their presidents and trustees, have allowed big-time football and men's basketball to become more important than academics on their campuses. The reformers want to reverse that and make academics the schools' number one priority.

The NCAA is resisting that movement with every fiber of its being because the NCAA, like the presidents, trustees and athletics directors, know how many millions of dollars are awaiting the teams that rank the highest and advance to the Final Four or play in BCS bowls.

It's an issue of runaway commercialism. Dr. James Duderstadt, president emeritus at Michigan, calls it the "arms race" in college sports.

Jon Ericson, provost emeritus at Drake University, and Bruce Svare, founder of the National Institute for Sports Reform, believe the only way to correct the problem associated with big-time sports is to disclose how universities keep academically unqualified athletes eligible for varsity competition.

Ericson and Svare call it "disclosure." They say the faculty must take the lead in exposing how administrations and some faculty cheat to keep players eligible. That means revealing the soft courses they take, the bogus degrees they pursue, the failing grades that are changed to passing, and the many other nefarious frauds perpetrated on the student and the public.

By using the term "student-athlete," the NCAA implies a truth that in reality is a lie. As you can see by the various measurements -- the APR, FGA and GSR -- the students are athletes first, then maybe a few are also students.

When schools report the graduation of their athletes each semester, they include non-scholarship walk-ons who usually outnumber scholarship players in large numbers. Some coaches have admitted giving walk-ons with high grade-point averages a scholarship their senior year in order to raise the APR and GSR. That is an act of fraud.

When she blew the whistle on the University of Tennessee's academic fraud in 1999, English professor Linda Bensel-Meyers said players are being cheated by a system that discourages academic achievement. Most of those players, after their four years of eligibility are used up, are cut loose without a degree, she said.

The Southeastern Conference and the NCAA denied her allegations that Tennessee has orchestrated a scheme to keep players eligible. But she had the data to back up her charge. The NCAA refused to look at the data, saying only that it leaves such investigations to the individual schools. That's tantamount to a judge asking the bank robber if he robbed the bank.

Bensel-Meyers this week in Cleveland, Ohio, received the 2007 Robert Maynard Hutchins Award, given annually by the Drake Group, to someone who has shown courage in standing up for academic integrity in the face of commercialized college sports. Previous winners were Northwestern University's Frank Splitt (2006), one of the reform leaders; Tiffany Mayne (2005) who revealed academic fraud at LSU; and Jan Kemp (2004) who won a jury award of \$2.58 million after disclosing a grades scandal involving Georgia football players.

The faculty reformers, led by Duderstadt and Splitt, have sent a steady stream of incriminating information to various congressional committees with oversight of government agencies, appropriations and tax exemption issues.

All Congress needs to do, to understand the corruption that exists in big-time college sports, is to hold hearings, place the presidents, trustees and athletics directors under oath, and ask the tough, probing questions about how they operate.

The incriminating evidence is there. As Ericson and Svare say, the problems in big-time college sports can be corrected only if they are disclosed by faculty and Congress.

Of course, some of these congressmen are the ones who benefit from the "freebie" tickets and other perks handed out by the universities they'll be investigating.

That's why the news media need to ride close herd on such hearings as well as independently asking the tough questions of the universities themselves.

National sports writer Robert Lipsyte, in a recent essay, described how the NCAA taints athletes and the schools for which they play. "This is the mudseason of the sports calendar," Lipsyte said. "...Here comes the (NCAA's) men's Division I basketball championship--the Big Dance for sports writers, the Bracket Racket for gamblers, a frat-rat party, a racist entertainment, and a subversion of higher education...

"Calling it March Madness slaps lipstick on a pig. But we'll call it March Madness, too, and get down in the mud."

*Columnist Bob Gilbert, former Associated Press writer and retired University of Tennessee director of news operations, wrote this commentary on 3-30-07, and it has been reprinted on Clips with the author's permission.*

**The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.**

## Privacy Rules Must Be Tempered by Common Sense

*By Frank G. Splitt*

It is ironic that the lead Letters to the Editor in the April 16, 2007, issue of *The Wall Street Journal* were headlined “Student Suicides: Privacy Rules Must Be Tempered by Common Sense.” Little did the editors know that the same day would see a student-gunman kill 32 people and himself on the campus of Virginia Polytechnic Institute.

It has now been reported that the student kept to himself, was disdainful of all overtures to socialize, was a stalker, and caused deep concern among some of his professors who considered him “troubled.” His ‘case’ was referred to school authorities by a writing teacher who was deeply disturbed by themes of obsessive hatred in his assignments. Nothing of substance came of this potentially life saving intelligence. How could this be? Simply put, college presidents and administrators live in fear of violating the privacy provisions of the Family Educational Rights and Privacy Act (FERPA).

It is also ironic that FERPA is the very same act the NCAA and its member schools abuse for their own benefit — using the act to shield from public view the academic corruption that not only allows them to recruit and roster academically unqualified blue-chip athletes requisite to fielding competitive teams at the NCAA D-1 level, but to sustain the phony “student-athlete’ ruse with its derivative tax-exempt status as well.

The above illustrates how FERPA is used and abused to the detriment of students and faculty as well as America’s taxpayers and the higher education enterprise. The Drake Group has been advocating for a revisit of FERPA by the U. S. Congress to prevent its use as a cover for academic corruption in college athletics.

Perhaps the tragedy at Virginia Tech will provide Congress with the motivation to remedy the flaws in the act that effectively prohibit common sense approaches to serious problems besetting higher education.

*Frank Splitt is a member of The Drake Group, <http://thedrakegroup.org>. A version of this commentary was posted April 18, 2007, on [insidehighered.com](http://insidehighered.com). It was written in response to Andy Guess' column "Evaluating the Response," <http://insidehighered.com/news/2007/04/18/techresponse>, and was based on an earlier letter to the Wall Street Journal.*

# Recommendations for Sports Program Transparency and Reporting at the NCAA and Its Member Institutions

*by Frank G. Splitt*

## INTRODUCTION

This commentary is part a sequence of essays in support of The Drake Group's congressional initiative. It builds on these essays – focusing on recommendations to the U. S. Congress for greater transparency and reporting that could be required of NCAA sports programs at colleges and universities. This transparency and reporting would provide supporters, the general public, present and future students and their parents, the media, and policymakers with a much better understanding of “what is going on.” The recommendations are followed by notes that provide rationale and clarifying detail.<sup>1</sup>

To set the stage, attention is first called to the fact that the NCAA and its member schools use the Family Educational Rights and Privacy Act (FERPA) to shield academic corruption from public view.<sup>2</sup> This corruption not only allows them to sustain their phony ‘student-athlete’ ruse with its derivative tax-exempt status, but also to recruit, sign, and roster academically unqualified blue-chip athletes requisite to fielding professional-level teams for their college sports entertainment businesses.

The recommendations are rooted in the compelling need to require the NCAA and its member institutions to provide tangible evidence that their athletes function as real students. In the end, the implementation of these recommendations will help restore academic and financial integrity in colleges and universities supporting big-time (NCAA D-1A) sports programs, especially football and men's basketball.

## RECOMMENDATIONS

It is recommended that the NCAA and its member institutions:

1. Provide evidence that their athletes are maintained as an integral part of the institution's student body;<sup>3</sup>
2. Provide evidence that their athletes attend regular whole-period classes;<sup>4</sup>
3. Provide evidence that their athletes are on accredited degree tracks and are held to the same academic standards of performance as all other students;<sup>5</sup>
4. Provide evidence that their athletes realize a 2.0 grade-point average, quarter-by-quarter or semester-by-semester to gain and maintain eligibility for participation in athletic events, with the grades and academic records certified by the school's chief academic officer;<sup>6</sup>
5. Employ a standard uniform system of accounting in their athletic departments that is subject to public financial audits;<sup>7</sup> and
6. Be advised that the need to vastly improve their transparency and reporting is a very serious matter; consequently, their operations will be subject to congressional oversight as well to severe penalties for noncompliance.<sup>8</sup>

## EXPLANATORY NOTES

<sup>1</sup> The above recommendations and these notes are based on essays such as:

- a) “Are Big-Time College Sports Good for America?” ([http://www.thedrakegroup.org/Splitt\\_Good\\_for\\_America.pdf](http://www.thedrakegroup.org/Splitt_Good_for_America.pdf)),
- b) “**The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics**” (<http://mtprof.msun.edu/Spr2007/splitt.html> ),
- c) “**The U. S. Congress, Higher Education, and College Sports Reform**” ([http://thedrakegroup.org/Splitt\\_The\\_Interface.pdf](http://thedrakegroup.org/Splitt_The_Interface.pdf)), and
- d) “**The Congressional Challenge to the NCAA Cartel’s Tax-Exempt Status**” ([http://thedrakegroup.org/Splitt\\_Congressional\\_Challenge.pdf](http://thedrakegroup.org/Splitt_Congressional_Challenge.pdf)).

<sup>2</sup> FERPA is part of the Federal General Provisions Concerning Education (GEPA), a set of unfunded conditions on the receipt of federal education funds. It is commonly referred to as the Buckley Amendment to GEPA. See Matthew R. Salzwedel & Jon Ericson, “Cleaning Up Buckley: How the Family Educational Rights and Privacy Act Shields Academic Corruption in College Athletics,” *Wisconsin Law Review*, Volume 2003, Number 6, 1053-1113.

<sup>3</sup> Over the years, the NCAA has made a number of rule changes that have emphasized athletics over academics so as to move their D-1A football and men’s basketball programs to professional levels. Therefore, it is to be expected that the NCAA will resist providing college athletes the opportunity to function as real students by agreeing to:

- a) Restore first-year ineligibility for freshmen with expansion to include transfer athletes;
- b) Reduce 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;
- c) Restore multiyear athletic scholarships—five-year scholarships that can’t be revoked because of injury or poor performance (currently, an athletic scholarship is an agreement between athlete and coach/athletic department, renewed based on ATHLETIC performance), or, replace athletic scholarships with need-based scholarships – agreements between a student and the institution based on ACADEMIC performance. If the scholarship is need based, it will be awarded by the institution – just as the institution awards all other need-based aid – in that case, it does not need to be a five year award as the student will continue to receive his or her need-based aid, even if they leave the team. A strong case for switching to need-based aid as the only way to break the cycle of sponsoring professional teams on college campuses is made by John Gerdy in his most recent book, *Air Ball: American Education’s Failed Experiment with Elite Athletics*;
- d) Require athletes to honor the terms of their multiyear athletic scholarship with appropriate penalties to the school and athlete for broken commitments such as ‘one and out’ to the NBA, or
- e) Divest its professional-level sports programs from America’s higher education system. This would not only put a long overdue end to the NCAA’s contrived façade of ‘amateurism’ but also release the stranglehold the college-sports entertainment business has on America’s institutions of higher learning. Consideration could then be given to approaches involving the development of professional minor league football and basketball leagues modeled after the European and Australian club sports system, or, alternatively, the establishment of Age Group Professional Leagues along the lines proposed by Rick Telander in *The Hundred Yard Lie: The Corruption of College Football and What We Can Do to Stop It*. In any case, schools could serve as team sponsors – renting/leasing their sports facilities as part of their for-profit businesses.



<sup>4</sup> Attending class is a public act; disclosing the names of courses and professors while not releasing students' grades provides the appropriate balance between a student's right to privacy and the public's right to know the conduct of faculty, administrators and governing board members. The purpose of transparency is to focus on the conduct of faculty, administrators and governing board members, not on student conduct.

Transparency would require disclosure of courses taken by the school's football and basketball team players as well as cohorts representing 50% of the players with the most playing time, the average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses, and whole-period class attendance records for the athletes.

It is suggested that interpretive wording be added to FERPA's student privacy provisions to make abundantly clear that this legislation does not prohibit release of information on the academic performance of individual athletic teams in whole or in part, so long as the data do not identify individual team members, See NOTE 9 for more detail.

<sup>5</sup> The schools should be required to:

- a) Name the National Advisory Committee on Institutional Quality and Integrity (NACIQI) approved accrediting organization responsible for accrediting the tracks, especially for the general studies and other 'diploma-mill-like' degree tracks commonly engineered for athletes by their school's academic support center staff, and
- b) Relocate and divest control of academic counseling and support services for athletes by athletic departments. Such services must be the same for all students and in no way under the influence of the athletic department.

<sup>6</sup> It is reasonable to expect that a legitimate student have no less than a "C" average. The school's chief academic officer should be held personally accountable for academic corruption.

<sup>7</sup> Convenience accounting and budgeting practices will continue to be used to deceive and confuse faculty, the public, and the government about athletic department financials unless and until schools are forced to employ a uniform system of accounting that includes total capital expenditures, depreciation, and total staff costs from all sources, as well as be subject to public financial audits. The threat of Sarbanes-Oxley would certainly bring the NCAA and its member institutions to sharp attention.

<sup>8</sup> Conditioning the continuation of the NCAA's tax-exempt status on their meeting specific requirements such as outlined herein and plugging the tax loopholes that help subsidize the college sports arms race will provide a strong message as to the serious nature of the recommendations. Also, without congressional oversight and stringent penalties for noncompliance there will be no lasting reform.

Self assessment and reporting by colleges and universities, as well as weak enforcement by the NCAA, and even weaker penalties for infractions, provide an enormous incentive for schools to scheme and cheat. Failure to implement and comply with the requirements 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. In addition to the loss of nonprofit 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.

<sup>9</sup> Supplementary recommendations relative to FERPA that will ensure academic integrity of institutions of higher education follow:

a) Under Department of Education guidelines, “Directory Information” shall be amended to insert “courses, including the name of the professor” following “major field of study.” b) Institutions shall make public academic records of members of student groups sufficient in number to protect the privacy of individual students, students’ courses including the grade, name of the professor and course GPA. The records shall be in the listed in order of grades received, i.e., courses in which the student received an A, courses in which the student received a B, and so forth as illustrated in the sample format below.

### Sample Format for Assessment & Accountability

Major: \_\_\_\_\_

Adviser \_\_\_\_\_

Courses in which the student received an A

| Course    | Title                             | Instructor | Hours | Grade | Class GPA  |
|-----------|-----------------------------------|------------|-------|-------|------------|
| Theatre   | Theatre [fill in complete titles] | Elliott    | 1     | A     | <b>3.8</b> |
| Music     | Education                         | Cox        | 3     | A     | <b>4.0</b> |
| Education | Education                         | Gerlovich  | 4     | A     | <b>3.8</b> |
| Education | Education                         | Ducharme   | 2     | A     | <b>4.0</b> |
| Education | Education                         | Stjernberg | 2     | A     | <b>3.9</b> |

Courses in which the student received a B

| Course     | Title      | Instructor    | Hours | Grade | Class GPA  |
|------------|------------|---------------|-------|-------|------------|
| Theatre    | Theatre    | Elliott       | 1     | B     | <b>3.4</b> |
| Journalism | Journalism | Woodward      | 3     | B     | <b>3.1</b> |
| English    | English    | Horner        | 3     | B     | <b>3.6</b> |
| Art        | Education  | Lewis         | 3     | B     | <b>3.9</b> |
| SPED       | Education  | Fejes-Mendoza | 3     | B     | <b>3.5</b> |
| Education  | Education  | Sternberg     | 1     | B     | <b>3.7</b> |

Courses in which the student received a C

| Course | Title | Instructor | Hours | Grade | Class GPA |
|--------|-------|------------|-------|-------|-----------|
|--------|-------|------------|-------|-------|-----------|

See Salzwedel & Jon Ericson (NOTE 2) for additional examples.

May 6, 2007

**Frank G. Splitt**, a member of The Drake Group, a Senior Director and Fellow of the International Engineering Consortium, and a Life Fellow of the IEEE, is a former McCormick Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, and recipient of the *2006 Robert Maynard Hutchins Award* “for his courageous defense of academic integrity in collegiate sports.”

# Academic Corruption in Big-Time College Sports Demands Federal Intervention in Accreditation

*By Frank G. Splitt*

*May 30, 2007*

The State Higher Education Executive Officers (SHEEO), among others, are now questioning the wisdom of the Department of Education's aggressive approach to using federal regulation to change the behavior of colleges and accreditors.<sup>1</sup> It has always been my understanding that the federal government exists to promote and defend America's national interests and well-being -- doing those things when, for whatever reason, the states have not done, refuse to do, or, are unable to do themselves. Now is one of these times. Let me explain:

In a recent article, "Government Should Stay Out of Accreditation," A. Lee Fritscher, a professor of public policy at George Mason University and former assistant secretary for postsecondary education at the Department of Education and president of Dickinson College, said: "Involving accrediting agencies or the federal government in evaluating and regulating teaching and learning is an unhealthy departure from traditional arrangements. Outside involvement in those activities runs the risk of curbing the innovation and high levels of creativity that have been the hallmarks of American higher education for decades."<sup>2</sup>

Taken as a general guideline, Fritscher and others who oppose federal intervention such as Larry Arnn, president of Hinsdale College, are correct in the sense that federal intervention should be a last resort.<sup>3</sup> Indeed, there are exceptions to this guiding principle. For example, the defense of America's system of higher education system from the negative impact of overly commercialized college athletics and its attendant cancer-like academic corruption is a salient example of the need for federal intervention in the accreditation process. Paraphrasing Fritscher, federal intervention would help curb the innovation and high levels of creativity that have been the hallmarks of the academic corruption related to intercollegiate athletics in American higher education for decades

For all too long colleges and universities have been self reporting graduation rates, and now Academic Progress Rates for their so-called student-athletes who were/are in ostensibly accredited degree programs such as the general studies degrees described by Jon Solomon in his article, "Athletes make academic end run."<sup>4</sup> Solomon found general studies and 'Jock' majors prevalent in Alabama schools during the newspaper's investigation this past fall. No doubt, similar 'diploma-mill-like' degree tracks have been engineered for athletes in other states by members of their school's academic support center staff. Likely all have been accredited by regional accrediting organizations.<sup>5</sup>

Breaches of academic integrity exist at multiple levels in America's higher education enterprise where integrity can be compromised by schools intent on winning at any cost. Rubber-stamp accreditation by weak, or, intimidated accreditation organizations make the breaching task a no-brainer for big-name schools. As Walter Byers, who served as NCAA Executive Director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: "Believe me, there is a course, a grade, and a degree out there for everyone."

School administrators seem to believe that outcomes assessment and strict accreditation are none of the government's business -- ignoring the fact that all schools benefit from government programs in one way or another.

The NCAA and its member schools use the Family Educational Rights and Privacy Act (FERPA) to shield academic corruption from public view -- avoiding disclosure of any information that could prove damning or embarrassing, especially in the case of the academic performance of their athletes. This corruption not

only allows them to sustain their phony 'student-athlete' ruse with its derivative tax-exempt status, but also to recruit, sign, and roster academically unqualified blue-chip athletes requisite to fielding professional-level teams for their moneymaking sports entertainment businesses.

Without an independent outcomes assessment of student learning, the government has to take a school's word on Graduation Rates and Academic Progress Rates for their athletes. If schools are ever going to produce, collect and publish meaningful information about student outcomes, accreditors need to force them to do so. Why? Because the NCAA will not require their member schools to do it. Sadly, neither will the states, all too many of which over-identify their state's stature with the state schools' success in big-time athletics. Disclosure of aggregated (Buckley-compliant) outcome assessments on the athletes in their football and basketball programs would expose the NCAA's student-athlete scheme to the light of day – jeopardizing the tax-exempt status as an institution of higher education.

Schools should require their athletes to perform as real students – maintaining them as an integral part of their student bodies where academic standards of performance for athletes are the same as for the general student body. However, that won't happen unless and until disclosure is mandated by the government – the Department of Education via more stringent accreditation guidelines or by the Congress via a demand for tangible evidence justifying the NCAA's tax-exempt status.<sup>6-8</sup>

It is time for more explicit minimum standards for the knowledge and skills required for different degrees to be set. As SHEEO's Paul Lingenfelter says, degree granting institutions should be held accountable "for rigorous academic standards resulting in demonstrable student achievement." This is precisely the outcomes approach taken by the Accreditation Board for Engineering and Technology (ABET) in their "Criteria for Accrediting Engineering Programs."<sup>9</sup>

Also, momentum is building in Congress to investigate how universities with big-time sports programs use their tax-exempt status to pay multi-million-dollar coaches' salaries and build extravagant athletics facilities. Sen. Charles Grassley of Iowa, the senior Republican on the Senate Finance Committee, has asked the Congressional Budget Office to investigate the tax-exemption issue.<sup>10</sup> In the meantime federal tax policy will continue to force parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, 'stadium wars,' tax breaks for wealthy boosters, and other artifacts of the big-time college sports arms race.

## Notes

<sup>1</sup> Lederman, Doug, "Back Off on Accreditation, States Urge U.S.," *Inside Higher Ed*, May 25, 2007, <http://insidehighered.com/news/2007/05/25/sheeo>.

<sup>2</sup> Fritscher, A. Lee, "Government Should Stay Out of Accreditation," *The Chronicle of Higher Education*, p. B 20, May 18, 2007.

<sup>3</sup> Arnn, Larry, "Hands Off Higher Education," *The Wall Street Journal*, May 12-13, 2007.

<sup>4</sup> Solomon, Jon, "Athletes make academic end run," *The Birmingham News*, Oct, 29, 2006.

<sup>5</sup> Splitt, Frank G., "Who Accredits Alternative Ed Programs for College Athletes?" [http://www.thedrakegroup.org/Splitt\\_Alternative\\_Ed.pdf](http://www.thedrakegroup.org/Splitt_Alternative_Ed.pdf)

<sup>6</sup> \_\_\_\_\_, "The U. S. Congress, Higher Education, and College Sports Reform," [http://thedrakegroup.org/Splitt\\_The\\_Interface.pdf](http://thedrakegroup.org/Splitt_The_Interface.pdf)

<sup>7</sup> \_\_\_\_\_, "The Congressional Challenge to the NCAA Cartel's Tax-Exempt Status" [http://thedrakegroup.org/Splitt\\_Congressional\\_Challenge.pdf](http://thedrakegroup.org/Splitt_Congressional_Challenge.pdf)

<sup>8</sup> \_\_\_\_\_, "Recommendations for Sports Program Transparency and Reporting at the NCAA and Its Member Institutions," May 4, 2007. [http://www.thedrakegroup.org/Splitt\\_Recommendations\\_for\\_Transparency.pdf](http://www.thedrakegroup.org/Splitt_Recommendations_for_Transparency.pdf)

<sup>9</sup> ABET, "Criteria for Accrediting Engineering Programs," <http://www.abet.org/Linked%20Documents-UPDATE/Criteria%20and%20PP/E001%2006-07%20EAC%20Criteria%205-25-06-06.pdf>.

<sup>10</sup> Fain, Paul, "Senator Questions Colleges' Tax Breaks," *The Chronicle of Higher Education*, p. A26, April 13, 2007.

## Don't Overlook the Congress for Serious College Sports Reform

**By Frank G. Splitt**

The July 18, 2007, Coalition on Intercollegiate Athletics (COIA) white paper calls for a greater role for professors in overseeing what happens on the sports side of institutions.<sup>1</sup> In his related article, *Inside Higher Ed's* Elia Powers writes that David Ridpath, executive director of the Drake Group, says he isn't optimistic that the NCAA will adopt COIA's reforms through its governance process.<sup>2</sup> Why might this be?

Simply stated, it is unfortunate that COIA's common sense proposals must be approved through an NCAA governance process. Based on past experience, it's a good dog that just won't be allowed to hunt.

Mike Rinella was spot on in his posted comment<sup>2</sup>, saying: "The NCAA is philosophically bankrupt and a surrogate for the major conferences which are comprised overwhelmingly by state universities and their huge, legislatively (non-real world) directed budgets and funding policies. The notion that the NCAA has the will or interest in bringing about serious change is nonsense. Since the NCAA has demonstrated no interest in true reform and any affinity with the concept of a level playing field, it is up to Congress to pull the reins in."

However, when Rinella went on to say: "That of course is equally absurd," he overlooked last year's sharply-worded letter from House Committee on Ways and Means Chairman Bill Thomas to NCAA President Myles Brand – seeking justification for the NCAA's tax-exempt status as an institution of higher education – and the December 5, 2006, meeting of the Senate Finance Committee that probed the NCAA's response via testimony from Dr. James Duderstadt, Emeritus President, University of Michigan.<sup>3</sup>

**Note that the referenced article and a 'companion' article by NCAA President Myles Brand<sup>4</sup> appeared in the Spring 2007 issue of *The Montana Professor*. Geoffrey G. Gamble, President of Montana State University and George M. Dennison, President of the University of Montana said this in the *Editor's Introduction*:**

While not arranged as an exchange, the two pieces by Myles Brand and Frank Splitt offer contrasting views about the role and control of intercollegiate athletics. Brand argues for faculty engagement to assure that intercollegiate athletics remains an integral part of the academy, while Splitt urges federal intervention by Congress to bring under control what he sees as excessive dedication of higher education resources to intercollegiate athletics.<sup>5</sup>

After publication, copies of the journal were distributed to interested members of the U. S. Congress and their staffs.

In his most recent book, Duderstadt wrote: "While they (faculty) deplore the exploitation of student athletes and the corruption of academic values, they feel helpless to challenge the status quo in the face of pressures from coaches, athletic directors, and boosters – not to mention the benign neglect by presidents and trustees."<sup>6</sup> This statement preceded Duderstadt's conclusion that "it is time for Congress to step in, at least in a limited way, to challenge several of the current anomalies in federal tax policy that actually fuel the commercial juggernaut of big-time college sports."

The good news is that the Senate Finance Committee has given serious consideration to recommendations for sports program transparency and reporting at the NCAA and its member institutions.<sup>7</sup> Momentum appears to be building in Congress to investigate how universities with big-time sports programs use their tax-exempt status to pay multi-million-dollar coaches' salaries and build extravagant athletics facilities. Senator Charles Grassley of Iowa, the Ranking Member of the Senate Committee on Finance, has asked the Congressional Budget Office to investigate the tax-exemption issue.<sup>8</sup>

Grassley and Senator Max Baucus, the committee chairman, have worked together to conduct oversight and achieve major legislative reforms of the laws that help to govern tax-exempt organizations. They are now seeking greater transparency into the workings of these organizations – urging the Treasury Secretary to update the IRS tax form used by the nonprofit sector to make gathering more and better information a top priority and to pay particular attention to the operational complexities of nonprofit hospitals and universities.<sup>9</sup>

“While we always hear that sunshine is the best disinfectant, sunshine can’t do its work unless we open the blinds,” Grassley and Baucus wrote.<sup>10</sup> “The sooner we open those blinds the better.” “At this point, it’s clear the IRS needs to get a better picture on a wide range of issues involving tax-exempt organizations,” Grassley said.

The COIA white paper represents a stepping out in the right direction. However, it should now be evident that federal intervention is the only hope for serious reform in intercollegiate athletics.

In the meantime federal tax policy will continue to force parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, 'stadium wars,' tax breaks for wealthy boosters, NFL and NBA minor league teams, and other artifacts of the big-time college sports arms race while the NCAA will work to effectively thwart any and all serious reform efforts – including those advocated by COIA.

**Frank G. Splitt**, a Life Fellow of the IEEE, a Senior Director and Fellow of the International Engineering Consortium, a former McCormick Faculty Fellow at Northwestern University, and Vice President Emeritus of Nortel Networks, is a member of The Drake Group. He was the recipient of the *2006 Robert Maynard Hutchins Award*. His essays and commentaries on college sports reform are available on the Web.<sup>11</sup>

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2. Powers, Elia, “Getting Faculty off the Sidelines,” *Inside Higher Ed*, June 19, 2007, <http://insidehighered.com/news/2007/06/19/coia>. This essay stems from my June 20, 2007, commentary on the Power’s article and Mike Rinella’s posted comment.
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# **On Opposition to ATV Trails in the NHAL State Forest**

## **The Sloey-Splitt ATV Letters Opposing ATV Trails in the NHAL State Forest**

Excerpts from pages 8-15 of the August 20, 2008, "Selected Documents  
Reflecting Opposition to Proposed ATV Trails in the NHAL State Forest"  
Compiled by: *Northwoods Citizens for Responsible Stewardship*

## **Testimony at the April 23, 2008, Wisconsin Natural Resources Board Meeting**

**Trail decision gratifying to opponents**

# The Sloey-Splitt Letters Opposing ATV Trails in the NHAL State Forest

## ATV stakeholders group took a wrong turn

By Bill Sloey, Posted May 1, 2007

<http://www.vilascountynewsreview.com/full.php?id=12375>

The ATV Trail Stakeholders Committee was charged with proposing all-terrain vehicle (ATV) trail(s) through the Northern Highland-American Legion (NHAL) State Forest that would be physically sustainable, would have a minimal impact on other users and would avoid the most ecologically sensitive portions of the forest. They could not have done a better job of doing exactly the opposite!

The proposed trails go directly through the heart of the three most important ecological regions in the NHAL. Tens of thousands of dollars spent on the Department of Natural Resources' (DNR) Biotic Inventory Study of the NHAL and on the Community Restoration and Old Growth Study done by Dr. Mladenoff of the University of Wisconsin have clearly been ignored.

The Iron County trail would start on the edge of the Manitowish River Wilderness Area, run through unstable peatlands and between designated "wild" and "wilderness" lakes. It would skirt the North Bass Lake hemlocks and the DuPage Lake and Pines (a proposed new State Natural Area).

The Oneida/Vilas trail would go directly through the Central Highlands Macrosite. It would pass between the Bittersweet Lake Complex State Natural Area (a no-motor, remote recreation site, which harbors the oldest hemlocks) and the Dry Lake and Pines (the oldest red/white pine stand in the forest). The noisy activity will certainly disturb the folks trying to enjoy the no-motor, quiet area.

The trail is then proposed to go northeast of Sayner through the center of the Star Lake Crescent Macrosite and into the proposed Lake Laura Hardwoods State Natural Area just north of Highway K.

This crescent of mature/old-growth hemlock hardwoods stretches from the Plum Lake State Natural Area across Highway N, past Salsich Lake (a wild lake), between Irving and Laura lakes and up to Partridge and Alva (a wilderness lake) lakes.

This extensive stand is by far the greatest mature/old-growth stand of hemlocks/hardwood forest in the North Woods of Wisconsin. It takes 500 to 1,000 years for nature to generate such stands. They deserve the best stewardship we can give.

The disruption of three natural areas is especially disturbing. Construction of a hard-surfaced roadway (fully developed trail complete with grading, drainage and gravel/aggregate surface) and summer vehicle activity with excessive motor noise will greatly disturb and disrupt the nesting and brood-rearing activities of the sensitive interior forest birds, small mammals and other disturbance-intolerant species.

Add the rogue drivers who will want to romp through the open understory of the old growth and we have a disaster!

If these trails are built, designation or continued inclusion of any of these areas in the State Natural Area program is certain to be denied or rescinded. These natural areas are the most precious gems of natural Wisconsin.

The DNR has been assigned the sacred stewardship responsibility for them. Let's help them keep that promise. These two trails simply must not be constructed as proposed! There are plenty of places in the production forest center of the NHAL, where socially and ecologically sensitive areas are not present.

Tell the committee to get back on the right track.



## Proposed state forest ATV trail threatens rare old-growth forest

By Bill Sloey, Posted May 29, 2007

<http://www.vilascountynewsreview.com/full.php?id=12573>

Wisconsin currently has some 90 species of exotic plants invading our forests and additional species invading our wetlands and precious lakes. These invaders can be transported about by many sources, including automobiles, boats and even wildlife.

By far, the most effective vector of seeds, plant part and pollen, however, are off-road vehicles with large, knobby tires that pick up dirt and plant materials in one place and shed them in another. In this limited space, I will highlight just two of the more notorious exotic invader species.

Purple loosestrife is known by most outdoors people in Wisconsin because it is so visible and is spreading so rapidly across wetlands of the state. Any off-roader who has ever forded a stream or even crossed a drainage ditch has likely translocated purple loosestrife seeds. The proposed all-terrain vehicle (ATV) trail will cross many streams and wetlands! The spread of purple loosestrife will certainly be accelerated!

Garlic mustard generally grows on good soils in mesic (middle moisture) forests and is very shade-tolerant. It also has very sticky seeds. There are several places where garlic mustard will certainly spread to and have an impact on the Northern Highland-American Legion (NHAL) State Forest. Every mature and old-growth stand of forest is vulnerable.

By far, the most vulnerable site, however, will be in the mature and old-growth forest north of Sayner, in what is called the Star Lake Crescent Macrosite (fig. 6 in the Department of Natural Resources' Biotic Inventory Report). This stand of mature and old-growth sugar maple/hemlock/yellow birch with supercanopy white pine is growing on Lake Laura silt-loams.

The community forms a continuous closed canopy/open understory forest from Wharton Lake Road north all the way to Alva Lake and will contain three state natural areas. Many of the trees are more than 250 years old and this is one of the few places in Wisconsin where hemlock is successfully reproducing. At least 13 rare and threatened species have been found here. Unfortunately, it is also ideal habitat for garlic mustard.

If the ATV trail passes through or near these stands, it will be only a short time before garlic mustard replaces the native wood ferns, club-mosses, Canada mayflower, wood anemone, Indian pipe, large round-leafed orchid, and rare sedges.

This crescent of forest is so rare (old-growth northern mesic forests make up less than 0.1% of Wisconsin's forests) and so important to the preservation of biotic diversity of northern Wisconsin that the entire stand is designated by the new master plan for management as native community. It is to serve as a biological reference site for northern mesic forests in the Midwest.

Recent studies out of Harvard and other universities clearly show that garlic mustard not only out-competes the woodland ground layer, but it secretes toxins into the soil that kill the soil fungi which these late-successional trees require to survive, and the tree seedlings are inhibited or even killed.

It took nature at least 500 years to develop this old-growth forest and the DNR has been protecting it for more than 80 years. To place this precious landscape at dire risk when other options are available would be very short-sighted and foolish, indeed. While we can never absolutely protect any natural community from potential invasion, we do have the responsibility to be as careful as we possibly can.

Running hundreds of off-road vehicles through or nearby our state natural areas will almost certainly guarantee new invasions of exotic pests into these rare and precious natural communities.

## State forest ATV trails need rerouting

By Frank Splitt, Posted May 15, 2007

<http://www.vilascountynewsreview.com/full.php?id=12465>

Sec. Scott Hassett says the Wisconsin Department of Natural Resources (DNR) is obligated to consider the recreational needs of all residents when it designs its programs and manages state land.

Not mentioned, but also to be considered, are the unintended consequences of potential programs and management plans, especially those that can have an adverse impact on Wisconsin's natural resources, such as the Northern Highland-American Legion State Forest (NHAL).

The NHAL is the largest state forest in Wisconsin and certainly deserving of the best stewardship the DNR can possibly provide.

The NHAL is populated with year-round and seasonal residents who place a high value on the forest's tranquil environment surrounded by natural beauty. The NHAL provides an almost perfect setting for tourists who hold this value dear, as the forest is laced with biking paths and hiking trails, as well as a multitude of lakes and waterways offering the opportunity to pursue relatively silent sports.

A forbidden recreational opportunity in the NHAL is all-terrain vehicle (ATV) riding, and for good reasons. Few things can destroy the peace and quiet characteristic of the forest like the roar and whine of ATVs that don't just violate the forest's peace and quiet; they also scar the land and natural habitat.

Perhaps no other recreational vehicles do more harm than ATVs, tearing deep gouges in trails and leaving them essentially unusable by anyone else. Worst of all, they serve as transporters of both terrestrial and aquatic hitchhikers, aka terrestrial invasive species (TIS) and aquatic invasive species (AIS), via contaminated ATVs brought from outside the NHAL and/or from "rogue" riders who are prone to exciting off-trail excursions, with some of these excursions along shallow lakeshores and across streams and river beds within the forest.

ATV riders and members of *Tread Lightly!* are asked to pledge to travel and recreate with minimum impact, leaving environs better than found while respecting the environment and rights of others. Unfortunately, it is highly unlikely that all ATV riders will honor such guidelines. Experience with recruiting volunteers for AIS boat landing inspection indicates that claims that volunteers and ATV clubs will maintain and police trails to ensure that users follow rules are not likely to be anywhere near successful.

Given the above, common sense indicates that the ATV Trail Stakeholders Committee can best minimize the impact of ATV riders by abandoning its proposal to route trails through the NHAL. However, intensive lobbying, political realities and short-term thinking may very well force ATV routes through Vilas County — overriding the 2004 vote by its citizens.

If that be the case, the committee should work with the DNR to reroute the proposed trails — providing abundant margins when avoiding areas that are both ecologically and socially sensitive in future proposals. The Natural Resources Board, acting as stewards of the NHAL, needs to make that happen.

## **ATV trails in the state forest are tragedy in the making**

By Frank Splitt, Posted June 5, 2007

<http://www.vilascountynewsreview.com/full.php?id=12635>

Kudos to Will Maines for his most informative May 16, 2007, column, "Knowles and Nelson would, too." Maines provided valuable insights that helped prompt this amplification of my previously expressed concern about locating ATV trails in the Northern Highlands-American Legion State Forest (NHAL) — see "State forest ATV trails need rerouting" (same issue).

Although it can certainly be argued that the forest is there to be used by all citizens, a much more powerful argument can be made that the forest must be protected from uses that destroy the forest's natural habitat, peace and quiet, and mitigate against its sustainability. The continuing debate on the contentious proposal to route an ATV trail through the NHAL has illuminated a sharp contrast in ecological consciousness, values and sensibilities between the supporters of the proposed ATV trail and those who oppose the trail.

Supporters want to be able to operate their ATVs through the forest for the recreational pleasure they derive from riding remote, wilderness-like trails with their family and friends. They are, in turn, supported by financially powerful commercial interests — ATV manufacturers, outfitters and organizations such as the Blue Ribbon Coalition and Tread Lightly — that would benefit from an expanded market. There is also potential support from local businesses that see the promise of additional revenues associated with an influx of new tourists.

On the other hand, those citizens who oppose the ATV trails believe they are serving a noble cause — defending the NHAL against motorized recreational aggression. They want to protect the forest along with its waterbodies and its wetlands from a source of continuous degradation. They seek to prevent the spread of terrestrial and aquatic invasive species, erosion, habitat damage and adverse effects on forest aesthetics. They also want to minimize noise, safety problems, damage to recreational facilities, impact on federally listed Threatened and Endangered species, as well as liabilities.

No doubt, the powerful lobbying influence of the commercial interests was sufficient to open the door for ATV trails in the NHAL Master Plan and then to have the ATV Stakeholders Committee appointed by the Wisconsin Department of Natural Resources. The proposed trail through the Sayner-Star Lake area is likely based on the stern resistance put up by other communities and the gas and food serving potentially available in Sayner and Star Lake.

Relative to the ATV backers, ATV trail critics lack economic power; however, as volunteers in the fight against the spread of invasive species, many have been voicing their concerns rather vocally at the series of meetings held under the auspices of the ATV Stakeholders Committee. These already weary volunteers and other Vilas County taxpayers do not need to be burdened by the additional work and expenses occasioned by an influx of ATV-transported invasive species. According to Maines and others, the committee gives the impression of operating with a mandate to plan and build an ATV trail no matter what.

It is of interest to note that the U.S. Federal Energy Regulatory Commission (FERC) review partners have been unanimous in their view that ATVs should be excluded from the recreation mix in river corridors covered by a FERC license. There are good reasons for this position which is based on actual experience in many river corridors. According to Dr. William Sloey, retired UW-Oshkosh professor and Star Lake's resident ecologist, the Vilas County portion of the NHAL proposed for an ATV trail is just as ecologically sensitive as many river corridors, e.g., see his May 29 letter, "Proposed state forest ATV trail threatens rare old-growth forest."

This collective experience and that in other ATV-trailed forests in Wisconsin and elsewhere should have been front and center when pressure was exerted to consider ATV trails in the NHAL Master Plan — certainly before appointing the ATV Stakeholders Committee. But that was yesterday. Today there is

concern that along with spreading spotted knapweed, wild parsnip and Canada thistle that have been documented on trail systems and roadways, ATVs will accelerate their spread as well as that of garlic mustard, purple loosestrife, buckthorn, Asian honeysuckles and Japanese barberry — all of which pose a serious threat to forest ecology.

In his now classic essay, "A Land Ethic," Aldo Leopold provided a key insight concerning human-environmental connections that is apropos in this situation: "An act is right as it tends to preserve the integrity, diversity, and beauty of the biotic community; it is wrong as it tends otherwise." In the light of this insight, the well-known devastating impact of ATVs on the environment makes clear that consideration of ATV trails in the NHAL was a bad idea from the get-go, especially so in ecologically and socially sensitive areas as currently proposed. Today, it's a tragedy in the making.

Know that the members of the Wisconsin Natural Resources Board (NRB) are under very strong pressure to allow ATV trail development in the NHAL. We need fear that if there is not a continuous stream of letters to these members, they may come to believe this is not a huge issue and cave in to the special interests supporting ATV trail development.

The best way to avoid this tragedy in the making is a sustained letter campaign from Vilas County residents, the people who will be affected the most, to NRB members. I strongly urge concerned citizens to help mount an increased letter campaign to these members to give the NRB plenty of reasons to know we are very serious about this issue. By doing so, you can help put an end to this motorized assault on the NHAL.

Write to NRB members in care of Laurie Ross, P.O. Box 7921, Madison, WI 53707-7921, or e-mail to [Laurie.Ross@Wisconsin.gov](mailto:Laurie.Ross@Wisconsin.gov)

## **A sustainable ATV trail is a real canard**

By Frank G. Splitt, Posted July 17, 2007

<http://www.vilascountynewsreview.com/full.php?id=12851>

By way of background, the Northern Highland-American Legion (NHAL) State Forest Master Plan, approved by Wisconsin's Natural Resources Board (NRB) in October 2005, contained an all-terrain vehicle (ATV) directive stating that its objective is to: "Provide sustainable ATV riding opportunities and a quality riding experience with an emphasis on trails that link or are connected to a regional network of ATV trails."

The directive went on to make noteworthy statements such as:

- The use of ATVs is authorized on trails designated for ATV use on the NHAL State Forest, but suitable route or routes for ATV trails have yet to be identified.
- The Department of Natural Resources (DNR) may designate ATV trails in the future when suitable trail routes are found.
- Trails would be sited and developed according to the DNR's established ATV trail policies and standards.
- Additional analysis of potential trail routes, to evaluate and consider potential environmental, social, economic and safety issues, will be conducted within 18 months of the approval of the plan (by the end of April 2007).

In effect, the ATV directive served to institutionalize the idea that the DNR not only will allow ATVs to be used in the NHAL, but is actively promoting such usage as well. As difficult as it is for environmentally concerned citizens to believe, the ATV camel's nose is now in the NHAL State Forest tent.

The DNR's initial effort to jump-start ATV use in the NHAL State Forest involved an attempt to establish an experimental ATV loop trail in the vicinity of the forest's Little Rock Lake in the early fall of 2005. This effort was aborted after vehement opposition by local citizens.

This action precipitated a pivotal moment in what has become an ongoing saga pitting citizens against the ATV marketing forces driving the commercialization of Wisconsin's natural resources — even the most sensitive.

Rather than examining the wisdom and efficacy of its ATV directive, the NRB elected to continue to press on — commissioning the ATV Stakeholder Group in January 2006. The group was activated in April 2006 with a mission to lay out a sustainable ATV trail on the NHAL State Forest. This was truly a daunting assignment given that a sustainable ATV trail on the NHAL is an oxymoron if there ever was one. Why so?

Simply put, a sustainable trail would be one that could be indefinitely maintained and used in such a way that it does not harm the ecosystem in which it is embedded. In the words of the Brundtland Commission, a sustainable ATV trail would meet the needs of the present without compromising the ability of future generations to meet their own needs.

Here sustainability relates to the continuity of an ecosystem — its economic, social, institutional and environmental aspects of the related human society, as well as the nonhuman-related environment. ATVs are not environmentally friendly and by no means ecosystem neutral. ATVs can and will degrade an ecosystem no matter how careful drivers are to stay on designated trails.

ATVs have the inherent capacity to disrupt an ecosystem since they serve as efficient vectors for both aquatic and terrestrial invasive species, not to mention as a source of noise pollution and the extensive damage that can be done by rogue drivers.

Based on the above, one is left to wonder why the ATV Stakeholder Group recommended ATV trail sites as they did. Their proposal for a sustainable ATV trail is a real canard.

The proposed trail traverses what is likely one of the most sensitive areas of the NHAL State Forest — the E.M. Griffith Forest Restoration and Recreation Area proposed by the Northwoods Conservation Association and the Environmentally Concerned Citizens of the Lakeland Area back in 1996. The proposal called for the establishment of a Northern Lake and Forest Ecosystem Management and Demonstration Area. Details on this proposal can be found at [www.wsn.org/eccola/griffith1.html](http://www.wsn.org/eccola/griffith1.html).

Perhaps the DNR's apparent choice to provide strong support for the development and maintenance of ATV riding opportunities, particularly trails that contribute to regional trail networks, is the answer — notwithstanding the strong opposition of area residents and no matter what the financial and environmental costs.

Only time will tell if logic, reason and common sense will be able to stem the tide of uncontrolled ATV commercial interests that seek to exploit the NHAL State Forest and put at risk the life of the proverbial goose that is laying golden eggs.

## The Unsustainable ATV Trail Plan for the NHAL State Forest

By Frank G. Splitt

NOTE: The following is the unedited version of the letter published in the July 24, 2007 issue of *The Lakeland Times*. It contains omitted reference links and, in large part, is based on the previous letter to the *Vilas County News-Review*.

To the Editor:

The ATV Directive contained in Northern Highland-American Legion (NHAL) State Forest Master Plan indicates that its objective is to: " Provide sustainable ATV riding opportunities and a quality riding experience with an emphasis on trails that link or are connected to a regional network of ATV trails," see [http://dnr.wi.gov/master\\_planning/nhal/NHAL-atvstakeholder.htm](http://dnr.wi.gov/master_planning/nhal/NHAL-atvstakeholder.htm). In effect, the ATV Directive served to institutionalize the idea that the WDNR not only will allow ATVs to be used in the NHAL, but is actively promoting such usage as well.

A close study of the ATV Directive could lead one to believe that it was authored by the litigious-minded *BlueRibbon Coalition* – a major player in the so called "wise use" movement, a euphemistic name for all of the varied interests from off-road vehicle (such as ATV) groups-to extractive industries (miners and loggers)-to land developers who oppose nearly every effort to enact and implement laws designed to protect the natural environment, see "A Blue Ribbon for Deceit," by Howie Wolke at <http://lowbagger.org/blueribbon.html>.

The WDNR's initial effort to jump start ATV use in the NHAL State Forest involved an attempt to establish an experimental ATV loop trail in the vicinity of the forest's Little Rock Lake in the early fall of 2005. This effort was aborted after vehement opposition by local citizens.

This action precipitated a pivotal moment in what has become an ongoing saga pitting citizens against the ATV marketing forces driving the commercialization of Wisconsin's natural resources -- even its most sensitive.

Rather than examining the wisdom and efficacy of its ATV Directive, the NRB elected to continue to press on -- establishing the ATV Stakeholder Group in January 2006 with Dennis Leith, the state forest's previous superintendent as the group's Team Leader. The group was activated in April 2006 with a mission to lay out a sustainable ATV trail on the NHAL State Forest. This was truly a daunting assignment given that a sustainable ATV trail on the NHAL is an oxymoron if there ever was one. Why so?

Simply put, a sustainable trail would be one that could be indefinitely maintained and used in such a way that it does not harm the ecosystem in which it is embedded -- a sustainable ATV trail would meet the needs of the present without compromising the ability of future generations to meet their own needs and where sustainability relates to the continuity of an ecosystem -- its economic, social, institutional and environmental aspects of the related human society, as well as the non-human related environment.

ATVs are by no means ecosystem neutral. ATVs can and will degrade an ecosystem no matter how careful drivers are to stay on designated trails. ATVs have the inherent capacity to disrupt an ecosystem since they serve as efficient vectors for both aquatic and terrestrial invasive species, not to mention as a source of noise pollution and the extensive damage that can be done by rogue drivers. Based on the above, one is left to wonder why the group recommended ATV trail sites as they did at their final meeting on June 28, 2007.

The group's proposal for a sustainable ATV Trail is a real canard. The proposed trail traverses what is likely one of the most sensitive areas of the NHAL State Forest -- the E. M. Griffith Forest Restoration and

Recreation Area proposed by the Northwoods Conservation Association and the Environmentally Concerned Citizens of the Lakeland Area back in 1996. This thoughtful proposal called for the establishment of a Northern Lake and Forest Ecosystem Management and Demonstration Area. Details on the proposal can be found at URL <http://www.wsn.org/eccola/griffith1.html> .

Perhaps the WDNR's apparent choice to provide strong support for the development and maintenance of ATV riding opportunities, particularly trails that contribute to regional trail networks is the answer -- notwithstanding the intense opposition of area residents and no matter what the financial and environmental costs.

There is nothing new about short-term thinking. In his 2005 book, *COLLAPSE: How Societies Choose to Fail or Succeed*, Jared Diamond spells out the catastrophic consequences of bad choices -- what happens when resources are squandered, when the signals from our environment are ignored, and when forests are mismanaged.

At the final meeting of the ATV Stakeholder Group, members were presented with certificates of appreciation on behalf of the WDNR and its Forestry Division. At the previous (May 31, 2007) meeting, the Team Leader was presented with the *BlueRibbon Coalition's* "natural resource manager of the year" award. To be sure there were no certificates or awards for members of the public, many of whom are volunteers fighting to protect Wisconsin's water bodies, wetlands, and watersheds from invasive species.

Only time will tell if logic, reason, and common sense will be able to stem the tide of uncontrolled ATV commercial interests that seek to exploit the NHAL State Forest and put at risk the life of the proverbial goose that is laying golden eggs.

## **The Authors**

Dr. William E. Sloey is Emeritus professor of biology at UW-Oshkosh and principal author of the E.M. Griffith Forest Restoration and Recreation Area Proposal. Dr. Frank G. Splitt is the VP Emeritus of Educational and Environmental Initiatives at Nortel Networks, a former McCormick Faculty Fellow at Northwestern University, Co-chair of the Plum Lake Township Lakes Committee and current president of the Ballard-Irving-White Birch Lakes Association. The authors are property owners and seasonal residents of Star Lake, Wisconsin.

## Testimony at the April 23, 2008, Wisconsin Natural Resources Board Meeting

The introduction of harmful invasive species into our lakes and rivers -- with an annual mitigation cost of about \$9 billion -- provides an instructive metaphor for continuing the ban on the use of ATVs in the Northern Highlands-American Legion State Forest, hereafter referred to as the State Forest.

An economic boom was touted by commercial interests that would profit from the unfettered use of the Great Lakes. Many of these advocates did profit, but have not been held accountable for the unanticipated, devastating damage caused to America's inland waterbodies.

The real cost of these profits is now being borne by federal and state government agencies and ultimately by ordinary citizens in the way of taxes and the thousands of hours of volunteer time for countermeasures' work.

The proposed ATV trail alternatives for the State Forest promise a similar environmental disaster. When will we ever learn? Today we can help put a stop to this threat to the State Forest.

The DNR's comprehensive impact analyses of the proposed trail alternatives should show that ATV trails in the State Forest are wholly inappropriate as they do not comply with the DNR's trail design requirements -- leaving the NRB no recourse but to reject the proposed trail alternatives. But would that be sufficient?

Clearly, the DNR has bent over backwards to provide ATV trail advocates every possible opportunity to make their best case for a sustainable trail system in the State Forest. However, failing this time would not mean trail advocates will cease and desist in their efforts to use the State Forest to provide a trail corridor to Michigan's UP. They need to be sent an unequivocal message.

I propose that the NRB recommend that the legislature enact a "Prohibited Use" amendment to Chapter 26 of the Wisconsin State Statutes, "Protection of Forest Lands and Forest Productivity." The comprehensive DNR impact analyses can be used to provide the scientific basis for such a "Prohibited Use" amendment that would read to the effect that no person may operate, occupy, or use an ATV or similar device within the Northern Highlands-American Legion State Forest.

Exceptions to such a prohibited-use amendment would include peace officers or rescue units engaged in emergency operations, and agents of the DNR while engaged in forest management or enforcement activities, provided that the ATV devices so used are properly decontaminated.

Such prohibited use is not without precedent as can be seen in Section 30.73 of Chapter 30 of the statutes that prohibits the use of any motor boat or any pneumatic inner tube inflatable raft or similar device on the Brule River or any of its tributaries in Douglas County.

Frank G. Splitt  
Star Lake, WI and Mt. Prospect, IL

### Meeting attendees from the Town of Plum Lake



Vicki Gillett, Joe Heitz, Nancy Atwater, Frank Splitt, and Judy Splitt



Dick Olson, Jan Wise, Chris Wise, Bill Sloey, and Sheehan Donahue



# Trail decision gratifying to opponents

## *Advocates will keep up effort*

### ***The Country Today, in my opinion***

Wednesday, May 7, 2008, Page 6A

By Frank Splitt

Twenty-five thoughtful, committed citizens signed up to speak in opposition to the ATV stakeholders' proposed trail plan for the NHAL State Forest at the April 23<sup>rd</sup> Natural Resources Board (NRB) hearing—supporting DNR Secretary Matt Frank's April 11<sup>th</sup>, 2008, recommendation that no ATV trails be developed in the NHAL State Forest. (See Sara Bredesen's April 30<sup>th</sup> column, "NRB turns down Northern Highland Forest ATV trail," Page 1A.)

The first two speakers, representing the Wisconsin County Forests Association, spoke in favor of the ATV trails, telling the NRB that the state appears to be pushing ATV projects onto county properties.

It was my privilege to be the first to speak in support of the DNR's recommendation, saying:

"The ATV trail alternatives recommended by the DNR-sponsored citizen stakeholders advisory group promise an environmental disaster similar to that caused by the shipping industry's introduction of harmful invasive species into our lakes and rivers—all the while touting an economic boom.

"Secretary Frank's April 11<sup>th</sup> Memorandum and the DNR's comprehensive impact analyses of the proposed ATV Trail alternatives coupled with prior citizen comments—and those that will follow—show that the proposed ATV trails are wholly inappropriate as they do not comply with the DNR's trail design requirements—leaving you no recourse but to reject the proposed trail alternatives. But would that be sufficient?"

This brought me to the core of my message:

"Clearly, the DNR has bent over backwards to provide ATV trail advocates every possible opportunity to make their best case for a sustainable trail system. However, failing this time would not mean trail advocates will cease and desist in their efforts to use the forest to provide a trail corridor to Michigan's Upper Peninsula.

"Today you can help put a stop to this threat by not only rejecting the proposed trail alternatives, but also by doing everything within your power to make the current ban on the use of ATVs in the State Forest permanent.

"A "Prohibited Use" amendment to Chapter 26 of the Wisconsin State Statutes, Protection of Forest Lands and Forest Productivity, would be an ideal solution. Another approach would be to incorporate wordage in your ruling aimed at those responsible for preparing the next Master Plan—wording that would preclude a repeat of the exercise that has engendered great costs not only to the state, but also to the many citizen-volunteers who worked to protect a most precious natural resource."

My remarks were followed by an incredible array of 24 more opposition speakers—beginning with Sue and Al Drum, the recognized leaders of a coalition of Northwoods Citizens for Responsible Stewardship. The last speaker was Sheehan Donoghue, representing the Plum Lake Riparian Homeowners Association, who provided a well-balanced wrap-up. Taken together, these speakers painted a verbal mosaic that provided an exhaustive summary supporting the DNR's recommendation from ecological, scientific, aesthetic, and human/social perspectives.

You had to be there to appreciate the extraordinary nature of these presentations. It was surprising to see how much substantive information and how many facts and deep insights could be conveyed in such a short time by these friends of the NHAL State Forest.

About half way through the opposition speeches, Christine Thomas, the NRB Chair, took time to make a most gracious apology for the 3-minute time restriction that was imposed on all of the speakers—saying that the fact that we traveled great distances to speak at the hearing was indeed impressive—probably more so than our necessarily brief remarks.

Needless to say, the NRB's unanimous (7-0) vote to reject the ATV trail proposal had an emotional impact on our contingent of citizen speakers and supporters. When thanking the speakers, Sue Drum said: "The NRB vote against both ATV trails was a nice climax to Earth Day. Gaylord Nelson would have been proud of us." So would have Aldo Leopold.

However, as I remarked, failing this time does not mean trail advocates will cease and desist in their efforts. So, notwithstanding the decisive NRB ruling, friends of the forest must be vigilant for political shenanigans—end runs aimed at negating or undermining the NRB ruling. Such efforts will no doubt be led by the Wisconsin ATV Association and driven by big money from supporting commercial interests that can buy power that begets political influence.

*Frank Splitt is an extended summertime resident of Star Lake, an emeritus vice president of Nortel Networks, and a former McCormick faculty fellow at Northwestern University in Evanston, Ill. He also is co-chair of the Plum Lake Township Lakes Committee and is a member of Northwoods Citizens for Responsible Stewardship.*

# The Town of Plum Lake's signage initiative

by Frank G. Splitt, Co-chair Lakes Committee, Town of Plum Lake

The Lake Connection  
Summer 2007  
Wisconsin Association of Lakes

The enormity of the AIS threat has evoked a compelling need to develop a public awareness and education campaign as a front-line component of a prevention strategy. Signage is one of the key tactics that can be used in the implementation of this strategy.

Given unlimited resources, CBCW volunteers and/or hired hands could mount a 24/7 inspection and education routine at all boat launching areas. However, human and financial resources are limited. Experience indicates it would be nearly impossible to recruit and field enough CBCW volunteers to conduct boat inspections at our high-use boat landings on a sustainable basis, let alone at our many lower use but still AIS vulnerable lakes.

Properly worded and sited signage is today's best, low-cost, 24/7 'rain-or-shine' substitute for CBCW volunteers at boat-ramp sites when volunteers are simply unavailable on a sustainable basis at high-use sites, or are unavailable to work remote sites under any circumstance. Properly worded signage means easy-to-read, unequivocal, attention-getting, message to boat-ramp users *before* launching. The Stop Aquatic Hitchhikers!™ logo and text on the TPL sign-graphic shown in the accompanying illustration were designed to meet this need.

The intent of the Town of Plum Lake (TPL) Signage Initiative is to integrate TPL signage with the Stop Aquatic Hitchhikers!™ campaign ([www.protectyourwaters.net](http://www.protectyourwaters.net)) and literature used throughout our nation. The TPL initiative is also aimed at improving the message and location of boat-landing signage.

TPL signage aims to direct attention to the WDNR's signage, especially important at boat-ramp sites where Clean Boats, Clean Waters (CBCW) volunteers are not able to be present. Stop Aquatic Hitchhikers!™ signs supplement existing WDNR and local lake group signage at TPL boat landings.

## The Stop Aquatic Hitchhikers!™ campaign

The Stop Aquatic Hitchhikers!™ logo and message contained in CBCW handouts is well suited to a wide range of applications as an AIS awareness and educational tool. Poster-like sign replicas and CBCW handouts can be made available at marinas, marine sales centers, bait shops, sporting goods stores, resorts, and other business establishments frequented by lake users. Displaying larger, poster-type sign along access roads to high-use launching areas is also possible. Much larger, billboard-type signs suitable or use along county and state highways and would be another logical step.

Branding benefits come with the use the internationally recognized Stop Aquatic Hitchhikers!™ campaign logo. Branding is a very powerful process that combines imagery with words to simply, succinctly represent ideas, values, products, relationships or companies. The campaign borrows heavily from commercial marketing by translating and simplifying the very complex aquatic invasive species issue into a simple, relevant message of awareness and empowerment for recreational users. Part of what the campaign does is to establish and build upon brand recognition.

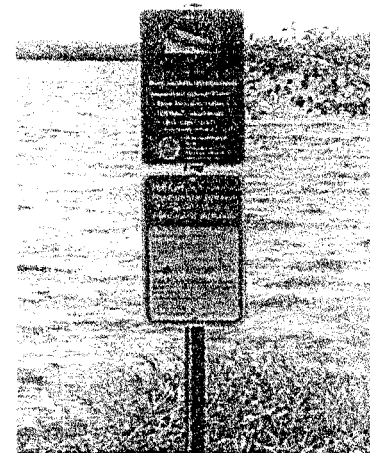
By attracting 46 of the 50 States to participate in the

campaign and use the materials, the campaign has been able to leverage considerable communication capabilities and get the natural resource agencies to speak with one voice about this complex issue. This means that if you are a Wisconsin resident and you go to boat in either Michigan or Minnesota, chances are you will see the Stop Aquatic Hitchhikers!™ stop sign and this will hopefully trigger a memory in you to clean your equipment.

## Sign placement

Stop Aquatic Hitchhikers!™ signs can be placed above the WDNR signs on a standalone post sited in close proximity to the boat ramp—preferably on the driver's side. That way the prevention message is linked to the WDNR's explanatory green-on-white "HELP" and black-on-yellow "EXOTIC SPECIES ADVISORY" signs. If WDNR AIS signage is displayed at the WDNR's kiosk, Stop Aquatic Hitchhikers!™ signage can be placed to the left of the informational WDNR signs.

The Stop Aquatic Hitchhikers!™ logo and message contained in CBCW handouts is well suited to a



wide range of applications as an AIS awareness and educational tool. Poster-like sign replicas and CBCW handouts can be made available at marinas, marine sales centers, bait shops, sporting goods stores, resorts, and other business establishments frequented by lake users. Displaying larger, poster-type sign along access roads to high-use launching areas is also possible. Much larger, billboard-type signs suitable or use along county and state highways and would be another logical step.



# Protect Your Waters, Stop Aquatic Hitchhikers!

<http://www.protectyourwaters.net/>

## Uniting Federal and State Efforts to Drive Invasive Species Prevention at the Local Level

**April 08, 2009** -- Founded in 2005, the Lakes Committee of the Town of Plum Lake, Wisconsin works to stop the spread of aquatic invasive species into the waters surrounding the town. Situated in Northern Wisconsin, there are many lakes the dot the landscape.

To prevent the introduction and spread, the Lakes Committee has led the creation of a multi-faceted partnership with county, state and federal government agencies, town residents, property owners and visitors. The unifying factor is that all share a concern for the waters and have a desire to protect them.

The Lakes Committee, led by Frank Splitt, has made the most of scarce resources and has integrated the State of Wisconsin's Clean Boats, Clean Waters program with the national Stop Aquatic Hitchhikers! Campaign to get the biggest bang for their buck to protect their resources, the lakes surrounding the Town of Plum Lake. Download the Lakes Committee newsletter to see the breadth and depth of their efforts.



*Stop Aquatic Hitchhiker signage off State Highway 155 approach to Sayner, Wisconsin*



*Signage installation off Vilas County Highway G by Jim Haberle, Doug McKay, Vernon "Junior" DeWitt, and Gerry Kurth.*



*The author with bumper-sticker designer Libby Scott*

# The Drake Group

*Defending Academic Integrity in the Face of Commercialized College Sports*

<http://www.thedrakegroup.org>

September 12, 2007

Form 990 Redesign  
ATTN: SE:T:EO  
1111 Constitution Ave., N.W.  
Washington, DC 20224

The attached commentary is in response to your request for public comment on the discussion draft of a redesigned Form 990, Return of Organization Exempt from Income Tax, filed by many public charities and other exempt organizations. These comments, presented on behalf of The Drake Group (TDG), are focused on the tax-exempt National Collegiate Athletic Association (NCAA) and its member institutions.

TDG believes that an IRS implementation of the recommendations contained in the commentary will not only increase tax revenues, but also help restore academic and financial integrity in colleges and universities supporting big-time sports programs, especially football and men's basketball.

Respectfully submitted,

Dr. Frank G. Splitt  
[fnjsmp@aol.com](mailto:fnjsmp@aol.com)  
Member, The Drake Group  
<http://thedrakegroup.org/splittessays.html>  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University

Electronic copies to: Messrs. Patrick Heck and Dean Zerbe, Senate Finance Committee, Dr. James Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, and Dr. B. David Ridpath, Executive Director, The Drake Group

## Comments by The Drake Group on the Draft of a Redesigned IRS Form 990

**BACKGROUND** -- The mission of The Drake Group (TDG), <http://www.thedrakegroup.org/>, is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry whose uncontrolled growth is partially fueled by the governments' favorable tax policy re the NCAA and its member schools.

The increasing commercialization of big-time (NCAA D-1A) intercollegiate athletics and its negative impact on America's higher education enterprise has become evermore apparent to academic leaders, elected public officials, the sports press, and to a growing fraction of the public. After a century of ineffective efforts to reform college sports, there is a growing concern over out-of-control commercialization that is driven by the college-sports entertainment industry to further its financial interests – exploiting college sports and its participating athletes while limiting access to higher education by real students.

There is also concern about compromised academic integrity and the distracting influence of overly commercialized college sports on school officials, on America's youth, and on the nation's diminishing prospects as a leader in the 21<sup>st</sup> century's global economy.

A revised IRS Form 990 has the potential to fully expose the Achilles' Heel of the NCAA and its member institutions – the extremely weak, if any, 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. However, it is likely that the NCAA and its member institutions would stage a "no-holds-barred fight" to save the millions of dollars in benefits stemming from its current tax-exempt status by arguing that its affiliation with the educational mission of its member colleges and universities is direct rather than tangential at best.

**TDG AND CONGRESS** – After TDG's 2004 work with Congresswoman Jan Schakowsky's staff, prior to her Extended Remarks for the Congressional Record,<sup>1</sup> TDG worked closely with the staffs of the Oversight Subcommittee of the House Committee on Ways and Means and the Senate Finance Committee to reveal the brutal truth about big-time college sports that is often obfuscated by myths, misrepresentations, and misinformation promulgated by ardent defenders of the status quo. This work helped contribute to:

1. A sharply-worded letter from the House Committee Chairman Bill Thomas to NCAA President Myles Brand– seeking justification for the NCAA's tax-exempt status as an institution of higher education, specifically asking Brand to explain why, given the NCAA's similarity with pro sports entities in its dealings with media rights and other big-money issues, it should continue to be tax-exempt, and
2. The December 5, 2006, meeting of the Senate Finance Committee that, among other things, probed the NCAA's response to the Thomas letter via testimony from Dr. James Duderstadt, Emeritus President, University of Michigan.

Details on these congressional efforts as well as historical perspectives that help get at the truth about big-time college sports can be found in a recent article in *The Montana Professor*.<sup>2</sup>

In his most recent book,<sup>3</sup> Duderstadt, wrote: "While they (faculty) deplore the exploitation of student athletes and the corruption of academic values, they feel helpless to challenge the status quo in the face of pressures from coaches, athletic directors, and boosters – not to mention the benign neglect by presidents and trustees." This statement preceded Duderstadt's conclusion

that “it is time for Congress to step in, at least in a limited way, to challenge several of the current anomalies in federal tax policy that actually fuel the commercial juggernaut of big-time college sports.”

**THE REVISED IRS FORM 990** – It is our understanding that the discussion draft constitutes a significant redesign of Form 990 and that the IRS anticipates using the revised form for the 2008 tax year. We also understand that the redesign of Form 990 is based on three guiding principles:

1. **Enhancing transparency** means providing the IRS and its stakeholders with a realistic picture of the organization and its operations, along with the basis for comparing the organization to similar organizations.

2. **Promoting compliance** means the form must accurately reflect the organization’s operations and use of assets, so the IRS may efficiently assess the risk of noncompliance.

3. **Minimizing the burden on filing organizations** means asking questions in a manner that makes it relatively easy to fill out the form, and that do not impose unwarranted additional recordkeeping or information gathering burdens to obtain and substantiate the reported information.

## **TDG COMMENTS**

1. **General** – Although TDG agrees with the guiding principles for the revised Form 990, we believe that the revisions should be amended since the proposed Form 990 does not ask for the level of disclosure that TDG and the Congress are seeking as well as what the IRS ought to have. TDG has focused its recommendations to the U. S. Congress on the need for greater transparency and reporting that could be required of NCAA sports programs at colleges and universities. We have argued that this transparency and reporting would provide supporters, the general public, present and future students and their parents, the media, and policymakers with a much better understanding of “what is really going on” at the NCAA and their sports programs at big-time colleges and universities. Without enhanced transparency via disclosure there will be no reform in big-time college sports.

2. **The FERPA Factor** – The IRS needs be mindful of the fact that the NCAA and its member schools routinely resist requests for information or data on student athletes – citing the Family Educational Rights and Privacy Act (FERPA) and other federal laws – in effect, shielding academic corruption from public view.<sup>4</sup> This corruption not only allows them to sustain their phony ‘student-athlete’ ruse with its derivative tax-exempt status, but also to recruit, sign, and roster academically unqualified blue-chip athletes requisite to fielding professional-level teams for their college sports entertainment businesses. Thus, the recommendations provided herein are rooted in the compelling need to require the NCAA and its member institutions to disclose information that can provide tangible evidence that their athletes function as real students.

3. **The NCAA’S Student-Athlete** – Without facts obtained by independent parties, disclosure, and external oversight, the NCAA cannot know that athletes are really students receiving a bona fide, rather than a “pretend” college education. Since the NCAA lacks verifiable evidence – indicating that athletes are progressing on accredited-degree tracks – there appears to be no rational basis for the NCAA to use the term ‘student-athlete’ when referring to college athletes who are, in effect, full-time employees of their schools. The NCAA’s use of the term may very well represent a false claim in violation of laws governing truth in advertising.

Robert and Amy McCormick, from the Michigan State University College of Law, argue in a *Washington Law Review* article that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions should not be viewed as "student-athletes" as the NCAA asserts, but should, instead, be considered "employees" under the National Labor Relations Act.<sup>5</sup>

In many, if not most, instances, college athletes' participate in an alternative educational experience that is not part of the school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department to maintain the eligibility of the school's athletes.

Recent and ongoing research strongly suggests prevalence clustering of entertainment-sport college athletes, especially minority athletes, in such alternative educational programs.<sup>6,7</sup> In addition to such pseudo majors, the phenomenon of "one and done" athletes, who utilize college sport as a short-term stepping-stone to a professional sport career, contributes to a lessening of universities' academic standards and a marked deviation from educational missions.

Just like the NCAA, the Congress and the IRS, must take the word of school administrators that athletes are really students on track to receive a bona fide, rather than a "pretend" college education. The fact that the NCAA has never endorsed proposals for academic disclosure by its member institutions seems to indicate that NCAA officials do not want to have public evidence that could prove embarrassing to their cartel's business interests.

**4. Transparency/Disclosure** – It seems clear that the Congress and the IRS want transparency on the nature of a tax-exempt organization that would reveal whether or not it warrants this status. The issue here is whether or not intercollegiate athletics is an integral part of the educational mission which is indeed exempt. The way universities can establish their claim to their being integral to the educational mission is through transparency in the athletes' experience and their progress as legitimate students.

Other than the new Schedule J, there appears to be nothing in the proposed form regarding specific disclosures on college athletic programs. In fact, Schedule E, which is the schedule filled out by "private schools" exempt under 501(c)(3), has not changed at all. As mentioned previously, the proposed Form 990 does not ask for the level of disclosure that TDG and (we believe) the Congress are seeking as well as what the IRS ought to have. Even if it did, public universities could probably evade such disclosure because many, if not most or all of them, would not file a Form 990. This appears to be a major problem since public universities usually are not required to file Form 990s, because they are part of state government, not a private entity exempt under 501(c)(3). It would probably take a separate law enacted by Congress to require public universities to file a Form 990.

**5. Compensation** – The proposed revisions to Form 990 do require far more detail regarding compensation of officers, directors and "key employees" (generally defined as someone who has management-like responsibilities for "a discrete segment or activity of the organization that represents a substantial portion of the activities, assets income or expenses of the organization. . ." on new Schedule J. The new definition of "key employee" which is now essentially the same as the definition for "excess benefit transactions" in Section 4958 of the Code, is likely to include NCAA Div. I-A football and basketball head coaches, so the IRS will likely get to know somewhat more about their compensation packages than it does now, but only for organizations required to file a Form 990

Also, the Form 990 and Form 990T should be amended to include questions about the "total compensation arising out of the connection to the non-profit". For example, coaches and others are paid a small salary by the university-relatively – but they receive much larger compensation



from other sources that would not be available to them “but for” their position at the university. Accordingly, the Form 990 does not reflect the compensation that the institution is legally liable to provide. The form should show the highest paid people irrespective of the position they hold.

**6. Contingent Benefits** – Currently, quid-pro-quo contributions – payments that are required in order to receive benefits from nonprofit organizations – are eligible to be claimed as a charitable contribution, for example, seat “taxes” for premium seats or lease fees for luxury skyboxes. The large income stream stemming from the skybox boom has been assisted in large part by a 1999 IRS ruling that allows boosters to deduct most of the donations they make to lease skyboxes ... donations estimated to account for billions of dollars to Division I universities.

**7. Unrelated Business Income** – The commercial connections and government subsidies to college sports are well documented. For example, Andrew Zimbalist provides the story behind the gutting of the law pertaining to Unrelated Business Income Tax (UBIT) ... law that was written to provide for the taxation of the activities of a tax-exempt organization that are not substantially related to the exempt purpose for which it was formed.<sup>8</sup> It is understood that public universities were made subject to the UBIT provisions by special rule.

A good sense of the magnitude and ubiquitous nature of the very powerful legal and lobbying forces at the command of the NCAA and its member institutions can be obtained from the story of their suppression of the 1977 UBIT case brought against Texas Christian University by the Dallas office of the IRS.<sup>9</sup>

## RECOMMENDATIONS

TDG believes that implementation of the following recommendations by the IRS will not only increase tax revenues, but also help restore academic and financial integrity in colleges and universities supporting big-time sports programs, especially football and men’s basketball. The recommendations and the appended explanatory notes are based on the appended references.<sup>1-3, 5-13</sup> It is understood that some of these recommendations may very well require congressional action.

TDG recommends that the IRS:

*1. Amend the revised Form 990 and schedules to provide a meaningful level of enhanced transparency – requesting the NCAA and its member institutions to disclose information that will:*

- a) Provide evidence that their athletes are maintained as an integral part of the institution's student body<sup>14</sup>*
- b) Provide evidence that their athletes attend regular whole-period classes<sup>15</sup>*
- c) Provide evidence that their athletes are on accredited degree tracks and are held to the same academic standards of performance as all other students<sup>16</sup>*
- d) Provide evidence that their athletes realize a 2.0 grade-point average, quarter-by-quarter or semester-by-semester to gain and maintain eligibility for participation in athletic events, with the grades and academic records certified by the school's chief academic officer<sup>17</sup>*

*2. Advise the NCAA and its member institutions that:*

- a) The need to vastly improve their transparency and reporting is a very serious matter and that their tax-exempt status will be conditioned on full disclosure*

*b) Their operations will be subject to IRS and congressional oversight as well to severe penalties (in addition to the loss of their tax-exempt status) for noncompliance.<sup>18</sup>*

*3. Eliminate what appear to be clear violations of fundamental tax principles such as the loopholes that were inserted in the tax laws to enable practices such as tax deductions for contingent fees on seat tickets and skybox lease payments.*

*4. Be more rigorous in assessing the UBIT status of the revenues received by organizations, such as the NCAA, whose sports entertainment business mission is largely tangential to the educational mission of colleges and universities.*

*5. Require the NCAA and their member institutions to employ a standard uniform system of accounting in their athletic departments that is subject to public financial audits.<sup>19</sup>*

Frank G. Splitt  
September 12, 2007

## **ACKNOWLEDGEMENTS**

The author gratefully acknowledges insights and contributions from:

**John Colombo** -- Professor, University of Illinois at Urbana Champaign School of Law -- teaching primarily in the tax field with special focus on tax-exempt organizations,

**James Duderstadt** -- President Emeritus and University Professor of Science and Engineering at the University of Michigan,

**Jon Ericson** -- Former Provost and Ellis & Nelle Levitt Professor Emeritus Drake University and a founding member of The Drake Group,

**John Gerdy** -- Author and Visiting Professor in Sports Administration at Ohio University, a former professional basketball player as well as a legislative assistant at the NCAA and the Associate Commissioner of the Southeastern Conference,

**Amy McCormick** -- Professor, Michigan State University College of Law, and cited author on sports related law,

**David Ridpath** -- Assistant Professor of Sport Administration, Division of Sport Administration, Ohio University and the Executive Director of The Drake Group,

**Allen Sack** -- Director of the Management of Sports Industries Program at the University of New Haven and a founding member of The Drake Group,

**Richard Southwell** -- Director, College Sport Research Institute, Assistant Professor, Sport & Leisure Commerce, University of Memphis and a Director of The Drake Group,

**Andrew Zimbalist** -- Professor, Economics Department at Smith College of Economics, Smith College, and noted author in the realm of sports business.

## **APPENDIX -- REFERENCES AND EXPLANATORY NOTES**

<sup>1</sup> Schakowsky, Janice D. "Call for attention to the work of Dr. Frank Splitt," Congressional Record, Extension of Remarks, March 17, 2005, – p 9, [http://thedrakegroup.org/Splitt\\_Essays.pdf](http://thedrakegroup.org/Splitt_Essays.pdf).

<sup>2</sup> Splitt, Frank G., "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics", *The Montana Professor*, Spring 2007, <http://mtprof.msun.edu/Spr2007/splitt.html>

<sup>3</sup> Duderstadt, James J., *The View from the Helm: Leading the American University During an Era of Change*, p. 326, University of Michigan Press, Ann Arbor, Michigan, 2007

<sup>4</sup> FERPA is part of the Federal General Provisions Concerning Education (GEPA), a set of unfunded conditions on the receipt of federal education funds. It is commonly referred to as the Buckley Amendment to GEPA. See Matthew R. Salzwedel & Jon Ericson, "Cleaning Up Buckley: How the Family Educational Rights and Privacy Act Shields Academic Corruption in College Athletics," *Wisconsin Law Review*, Volume 2003, Number 6, 1053-1113. Supplementary recommendations relative to FERPA that will ensure academic integrity of institutions of higher education follow:

a) Under Department of Education guidelines, "Directory Information" shall be amended to insert "courses, including the name of the professor" following "major field of study."

b) Institutions shall make public academic records of members of student groups sufficient in number to protect the privacy of individual students, students' courses including the grade, name of the professor and course GPA. The records shall be in the listed in order of grades received, i.e., courses in which the student received an A, courses in which the student received a B, and so forth.

<sup>5</sup> McCormick, Robert A. and Amy C., "The Myth of the Student-Athlete: The College Athlete as Employee," *Washington Law Review*, Vol. 81, pp. 71-157, 2006, Available at SSRN: <http://ssrn.com/abstract=893059>

<sup>6</sup> College Sport Research Institute, "Study of 2006 NCAA Division I men's basketball tournament players' majors," Memphis, TN, 2007

<sup>7</sup> Finley, P. S. and Fountain, J. J., "Academic stacking of athletes on low-performing Division I football teams," Paper presented at the annual meeting of The Drake Group, Cleveland, OH, March 2007.

<sup>8</sup> Zimbalist, Andrew, *Unpaid Professionals: Commercialism and Conflict in Big-Time College Sports*, Princeton University Press, 1999; See pp. 128 and 129 in the Paperback Edition, 2001.

<sup>9</sup> Sack, Allen L and Staurowsky, Ellen J., *College Athletes for Hire: The Evolution and Legacy of the NCAA's Amateur Myth*, Praeger Publishers, 1998.

<sup>10</sup> Splitt, Frank G., "Are Big-Time College Sports Good for America?" [http://www.thedrakegroup.org/Splitt\\_Good\\_for\\_America.pdf](http://www.thedrakegroup.org/Splitt_Good_for_America.pdf)

<sup>11</sup> \_\_\_\_\_, "The U. S. Congress, Higher Education, and College Sports Reform" [http://thedrakegroup.org/Splitt\\_The\\_Interface.pdf](http://thedrakegroup.org/Splitt_The_Interface.pdf)

<sup>12</sup> \_\_\_\_\_, "The Congressional Challenge to the NCAA Cartel's Tax-Exempt Status"  
[http://thedrakegroup.org/Splitt\\_Congressional\\_Challenge.pdf](http://thedrakegroup.org/Splitt_Congressional_Challenge.pdf)

<sup>13</sup> \_\_\_\_\_, "Don't Overlook the Congress for Serious College Sports Reform"  
[http://thedrakegroup.org/Splitt\\_Dont\\_Overlook.pdf](http://thedrakegroup.org/Splitt_Dont_Overlook.pdf)

<sup>14</sup> Over the years, the NCAA has made a number of rule changes that have emphasized athletics over academics so as to move their D-1A football and men's basketball programs to professional levels. The NCAA has resisted providing college athletes meaningful opportunities to function as real students by not agreeing to:

a) Restore first-year ineligibility for freshmen with expansion to include transfer athletes;  
b) Reduce 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;

c) Restore multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance (currently, an athletic scholarship is an agreement between athlete and coach/athletic department, renewed based on ATHLETIC performance), or, replace athletic scholarships with need-based scholarships – agreements between a student and the institution based on ACADEMIC performance. If the scholarship is need based, it will be awarded by the institution – just as the institution awards all other need-based aid – in that case, it does not need to be a five year award as the student will continue to receive his or her need-based aid, even if they leave the team. A strong case for switching to need-based aid as the only way to break the cycle of sponsoring professional teams on college campuses is made by John Gerdy in his most recent book, *Air Ball: American Education's Failed Experiment with Elite Athletics*; and

d) Require athletes to honor the terms of their multiyear athletic scholarship with appropriate penalties to the school and athlete for broken commitments such as 'one and out' to the NBA.

<sup>15</sup> Attending class is a public act; disclosing the names of courses and professors while not releasing students' grades provides the appropriate balance between a student's right to privacy and the public's right to know the conduct of faculty, administrators and governing board members. The purpose of transparency is to focus on the conduct of faculty, administrators and governing board members, not on student conduct.

Transparency would require disclosure of courses taken by the school's football and basketball team players as well as cohorts representing 50% of the players with the most playing time, the average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses, and whole-period class attendance records for the athletes.

It is suggested that the Congress add interpretive wording to FERPA's student privacy provisions to make abundantly clear that this legislation does not prohibit release of information on the academic performance of individual athletic teams in whole or in part, so long as the data do not identify individual team members.

<sup>16</sup> The schools should be required to identify:

a) The Department of Education's National Advisory Committee on Institutional Quality and Integrity (NACIQI) approved accrediting organization responsible for accrediting the tracks, especially for the general studies and other 'diploma-mill-like' degree tracks commonly engineered for athletes by their school's academic support center staff, and

b) The responsible authority for academic counseling and support services for athletes. Such services should be the same for all students and in no way under the influence of the athletic department.

<sup>17</sup> It is reasonable to expect that a legitimate student have no less than a "C" average. The school's chief academic officer should be held personally accountable for academic corruption.

<sup>18</sup> Conditioning the continuation of the NCAA's tax-exempt status on their meeting specific reporting requirements such as outlined herein and plugging the tax loopholes that help subsidize the college sports arms race will provide a strong message as to the serious of the revised Form 990 and its schedules.

Self assessment and reporting by colleges and universities, as well as weak enforcement by the NCAA, and even weaker penalties for infractions, provide an enormous incentive for schools to scheme and cheat. Failure to implement and comply with the IRS reporting requirements should put the NCAA and/or individual institutions at risk of losing their tax-exempt status. Once implemented, evidence of a continuation of existing patterns of fraud, continued efforts by universities and colleges to circumvent the intent of these measures, or, retaliation against whistleblowers, should garner severe penalties

<sup>19</sup> Convenience accounting and budgeting practices will continue to be used by the NCAA cartel to deceive and confuse faculty, the public, the Congress and the IRS about athletic department financials unless and until schools are forced to employ a uniform system of accounting that includes total capital expenditures, depreciation, and total staff costs from all sources, as well as be subject to public financial audits. The threat of Sarbanes-Oxley would certainly bring the NCAA and its member institutions to sharp attention.

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**PREFACE** – The following essay is based on The Drake Group's September 12, 2007, commentary on the Revised IRS Form 990. It was accepted for publication in the November 2007 issue of THE INTERFACE, the joint newsletter of the Institute of Electrical and Electronic Engineers (IEEE) Education Society and the American Society for Engineering Education (ASEE) Electrical and Computer Engineering Division, <<http://www.ewh.ieee.org/soc/es/>>.

## **Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process<sup>1</sup>**

Frank G. Splitt  
[FNJSMP@aol.com](mailto:FNJSMP@aol.com)

**BACKGROUND** – America's institutions of higher education that support big-time (NCAA D-1A) athletics programs are now declining toward the total prostitution of their colleges and universities in their seemingly desperate quest for more money, power, and prestige. These institutions are apparently either unwilling or unable to work seriously to restore academic primacy and integrity to their institutions and to the whole of higher education.

With the co-option of the Knight Commission on Intercollegiate Athletics by the NCAA, there is no one outside the government charged with anything resembling responsibility for controlling the NCAA's college sports entertainment business that has become expert at resisting true reform. The business has 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, while limiting access to higher education by real students and shrouding its conduct in a veil of secrecy – taking inappropriate, if not illegitimate, refuge in the privacy provisions of the Buckley Amendment to the Family Educational Rights and Privacy Act (FERPA).<sup>2</sup>

The increasing commercialization of big-time athletic programs and its negative impact on America's higher education enterprise has become evermore apparent to some academic leaders, elected public officials, the sports press, and to a growing fraction of the public.

After a century of ineffective efforts to reform college sports, there is a growing concern over this apparently out-of-control commercialization that is driven by the NCAA to further its financial interests. There is also concern about compromised academic integrity and the distracting influence of overly commercialized college sports on school officials, on America's youth, and on the nation's diminishing prospects as a leader in the 21<sup>st</sup> century's global economy.

So it is ironic that current federal tax policy forces parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, 'stadium wars,' tax breaks for wealthy boosters, NFL and NBA minor league teams, and other artifacts of the big-time college sports arms race while the NCAA works effectively to thwart any and all serious reform efforts – especially those that could expose their 'student-athlete' ruse or possibly reduce their revenues.

In his most recent book,<sup>3</sup> **Jim Duderstadt**, President Emeritus and University Professor of Science and Engineering at the University of Michigan, wrote: "While they (faculty) deplore the exploitation of student athletes and the corruption of academic values, they feel helpless to challenge the status quo in the face of pressures from coaches, athletic directors, and boosters – not to mention the benign neglect by presidents and trustees." This statement preceded Duderstadt's conclusion that "it is time for Congress to step in, at least in a limited way, to challenge several of the current anomalies in federal tax policy that actually fuel the commercial juggernaut of big-time college sports."

The good news is that the Senate Finance Committee has given serious consideration to recommendations for sports program transparency and reporting at the NCAA and its member institutions. Momentum built in Congress to investigate how universities with big-time sports programs use their tax-exempt status to pay multi-million-dollar coaches' salaries and build extravagant athletics facilities. Senator **Chuck Grassley** of Iowa, the Ranking Member of the Senate Committee on Finance, asked the Congressional Budget Office to investigate the tax-exemption issue.<sup>4</sup>

Grassley and Senator **Max Baucus**, the committee chairman, have worked together to conduct oversight and achieve major legislative reforms of the laws that help to govern tax-exempt organizations. They not only sought greater transparency into the workings of these organizations, but also urged the Treasury Secretary to update the IRS tax form used by the nonprofit sector to make gathering more and better information a top priority and to pay particular attention to the operational complexities of nonprofit hospitals and universities.

“While we always hear that sunshine is the best disinfectant, sunshine can’t do its work unless we open the blinds,” Grassley and Baucus wrote.<sup>5</sup> “The sooner we open those blinds the better.” “At this point, it’s clear the IRS needs to get a better picture on a wide range of issues involving tax-exempt organizations,” Grassley said.

**THE RECENTLY REVISED IRS FORM 990** – The revised Form 990, “Return of Organization Exempt from Income Tax,” filed by many public charities and other exempt organizations, has the potential to fully expose the Achilles’ Heel of the NCAA and its member institutions – the extremely weak, if any, 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.

The discussion draft of the Revised IRS Form 990 constitutes a significant redesign of Form 990 that was based on three guiding principles: 1) **Enhancing transparency** to provide the IRS and its stakeholders with a realistic picture of the organization and its operations, along with the basis for comparing the organization to similar organizations, 2) **Promoting compliance** demands that the form must accurately reflect the organization’s operations and use of assets, so the IRS may efficiently assess the risk of noncompliance, and 3) **Minimizing the burden on filing organizations** means asking questions in a manner that makes it relatively easy to fill out the form, and that do not impose unwarranted additional recordkeeping or information gathering burdens to obtain and substantiate the reported information.

The IRS solicited public comment on the discussion draft of the redesigned Form 990, that was due on September 14, 2007. The Drake Group (TDG) seized this opportunity to have the IRS ask for information regarding sports programs. The TDG commentary focused on the tax-exempt NCAA and its member institutions. Here’s why:

After work with the staff of Congresswoman **Jan Schakowsky** throughout 2004 – an effort that led to her Extended Remarks for the Congressional Record<sup>6</sup> – TDG worked closely with the staffs of the Oversight Subcommittee of the House Committee on Ways and Means and the Senate Finance Committee to reveal the brutal truth about big-time college sports that is often obfuscated by myths, misrepresentations, and misinformation promulgated by ardent defenders of the status quo.

This work helped contribute to a sharply-worded letter from the then House Committee on Ways and Means Chairman Congressman **Bill Thomas** to NCAA President **Myles Brand** – seeking justification for the NCAA’s tax-exempt status as an institution of higher education, specifically asking Brand to explain why, given the NCAA’s similarity with pro sports entities in its dealings with media rights and other big-money issues, it should continue to be tax-exempt, and the December 5, 2006, meeting of the Senate Finance Committee that, among other things, probed the NCAA’s response to the Thomas letter via testimony from Duderstadt.<sup>7</sup>

**TDG COMMENTS** – Although TDG agreed with the guiding principles for the revised Form 990, it said that the revisions should be amended since the proposed Form 990 does not ask for the level of disclosure that TDG and the Congress are seeking as well as what the IRS ought to have. TDG said it focused its earlier recommendations to the U. S. Congress on the need for greater transparency and reporting that could be required of NCAA sports programs at colleges and universities – arguing that this transparency and reporting would provide supporters, the general public, present and future students and their parents, the media, and policymakers with a much better understanding of “what is really going on” at the NCAA and their sports programs at big-time colleges and universities. TDG said that without enhanced transparency via disclosure there will be no reform in big-time college sports. Here are some specific comments:

*The FERPA Factor* – TDG said the IRS needs be mindful of the fact that the NCAA and its member schools routinely resist requests for information or data on student athletes – citing the Family Educational Rights and Privacy Act (FERPA) and other federal laws – in effect, shielding academic

corruption from public view. This corruption not only allows them to sustain their phony 'student-athlete' ruse with its derivative tax-exempt status, but also to recruit, sign, and roster academically unqualified blue-chip athletes requisite to fielding professional-level teams for their college sports entertainment businesses. Thus, the recommendations provided herein are rooted in the compelling need to require the NCAA and its member institutions to disclose information that can provide tangible evidence that their athletes function as real students.

*The NCAA'S Student-Athlete* – Without facts obtained by independent parties, disclosure, and external oversight, the NCAA cannot know that athletes are really students receiving a bona fide, rather than a “pretend” college education. Since the NCAA lacks verifiable evidence – indicating that athletes are progressing on accredited-degree tracks – there appears to be no rational basis for the NCAA to use the term 'student-athlete' when referring to college athletes who are, in effect, full-time employees of their schools. The NCAA's use of the term may very well represent a false claim in violation of laws governing truth in advertising.

Michigan State University College of Law Professors **Robert and Amy McCormick** argue in a *Washington Law Review* article that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions should not be viewed as "student-athletes" as the NCAA asserts, but should, instead, be considered "employees" under the National Labor Relations Act.<sup>8</sup>

In many, if not most, instances, college athletes' participate in an alternative educational experience that is not part of the school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department to maintain the eligibility of the school's athletes.

Recent and ongoing research strongly suggests prevalence clustering of entertainment-sport college athletes, especially minority athletes, in such alternative educational programs.<sup>9, 10</sup> In addition to such pseudo majors, the phenomenon of “one and done” athletes, who utilize college sport as a short-term stepping-stone to a professional sport career, contributes to a lessening of universities' academic standards and a marked deviation from educational missions.

Just like the NCAA, the Congress and the IRS, must take the word of school administrators that athletes are really students on track to receive a bona fide, rather than a “pretend” college education. The fact that the NCAA has never endorsed proposals for academic disclosure by its member institutions seems to indicate that NCAA officials do not want to have public evidence that could prove embarrassing.

*Transparency/Disclosure* – It seems clear that the Congress and the IRS want transparency on the nature of a tax-exempt organization that would reveal whether or not it warrants this status. The issue here is whether or not intercollegiate athletics is an integral part of the educational mission which is indeed exempt. The way universities can establish their claim to their being integral to the educational mission is through transparency in the athletes' experience and their progress as legitimate students.

Other than the new Schedule J, there appears to be nothing in the proposed form regarding specific disclosures on college athletic programs. In fact, Schedule E, which is the schedule filled out by “private schools” exempt under 501(c)(3), has not changed at all. As mentioned previously, the proposed Form 990 does not ask for the level of disclosure that TDG and (we believe) the Congress are seeking as well as what the IRS ought to have. Even if it did, public universities could probably evade such disclosure because many, if not most or all of them, would not file a Form 990. This appears to be a major problem since public universities usually are not required to file Form 990s, because they are part of state government, not a private entity exempt under 501(c)(3). It would probably take a separate law enacted by Congress to require public universities to file a Form 990.

*Compensation* – The proposed revisions to Form 990 do require far more detail regarding compensation of officers, directors and “key employees” (generally defined as someone who has management-like responsibilities for “a discrete segment or activity of the organization that represents a substantial portion of the activities, assets income or expenses of the organization. . .” on new Schedule J. The new definition of “key employee” which is now essentially the same as the definition for “excess benefit transactions” in Section 4958 of the Code, is likely to include NCAA Div. I-A football and basketball head coaches, so the IRS will likely get to know somewhat more about their compensation packages than it does now, but only for organizations required to file a Form 990

Also, the Form 990 and Form 990T should be amended to include questions about the “total compensation arising out of the connection to the non-profit”. For example, coaches and others are paid a small salary by the university-relatively – but they receive much larger compensation from other sources



that would not be available to them “but for” their position at the university. Accordingly, the Form 990 does not reflect the compensation that the institution is legally liable to provide. The form should show the highest paid people irrespective of the position they hold.

*Contingent Benefits* – Currently, quid-pro-quo contributions – payments that are required in order to receive benefits from nonprofit organizations – are eligible to be claimed as a charitable contribution, for example, seat “taxes” for premium seats or lease fees for luxury skyboxes. The large income stream stemming from the skybox boom has been assisted in large part by a 1999 IRS ruling that allows boosters to deduct most of the donations they make to lease skyboxes ... donations estimated to account for billions of dollars to Division I universities.

*Unrelated Business Income* – The commercial connections and government subsidies to college sports are well documented. For example, **Andrew Zimbalist** provides the story behind the gutting of the law pertaining to Unrelated Business Income Tax (UBIT) ... law that was written to provide for the taxation of the activities of a tax-exempt organization that are not substantially related to the exempt purpose for which it was formed.<sup>11</sup> It is understood that public universities were made subject to the UBIT provisions by special rule.

In their account of the suppression of the 1977 UBIT case brought against Texas Christian University by the Dallas office of the IRS, **Allen Sack** and **Ellen Staurowsky** provide a good sense of the magnitude and ubiquitous nature of the very powerful legal and lobbying forces at the command of the NCAA and its member institutions.<sup>12</sup>

**RECOMMENDATIONS** – TDG recommendations and related explanatory notes were based on the above comments and cited references.<sup>2, 5, 6, 8-16</sup> It is understood that some of these recommendations may very well require congressional action. Specifically, TDG recommended that the IRS:

1. Amend the revised Form 990 and schedules to provide a meaningful level of enhanced transparency – requesting the NCAA and its member institutions to disclose information that will provide evidence that their athletes: a) Are maintained as an integral part of the institution's student body;<sup>17</sup> b) Attend regular whole-period classes;<sup>18</sup> c) Are on accredited degree tracks and are held to the same academic standards of performance as all other students;<sup>19</sup> and d) Realize a 2.0 grade-point average, quarter-by-quarter or semester-by-semester to gain and maintain eligibility for participation in athletic events, with the grades and academic records certified by the school's chief academic officer.<sup>20</sup>
2. Advise the NCAA and its member institutions that: a) The need to vastly improve their transparency and reporting is a very serious matter and that their tax-exempt status will be conditioned on full disclosure; and b) Their operations will be subject to IRS and congressional oversight as well to severe penalties (in addition to the loss of their tax-exempt status) for noncompliance.<sup>21</sup>
3. Eliminate what appear to be clear violations of fundamental tax principles such as the loopholes that were inserted in the tax laws to enable practices such as tax deductions for contingent fees on seat tickets and skybox lease payments.
4. Be more rigorous in assessing the UBIT status of the revenues received by organizations, such as the NCAA, whose sports entertainment business mission is largely tangential to the educational mission of colleges and universities.
5. Require the NCAA and their member institutions to employ a standard uniform system of accounting in their athletic departments that is subject to public financial audits.<sup>22</sup>

**CONCLUDING REMARKS** – The implementation of the above recommendations by the IRS – requiring enhanced transparency and reporting on the part of the NCAA and its member institutions – would not only increase tax revenues, but also help restore academic and financial integrity in colleges and universities supporting big-time sports programs, especially football and men's basketball. **These restorations would go a long way toward reclaiming academic primacy in higher education – doing that which presidents, governing boards, faculty, the NCAA, the Knight Commission, and others have failed to do for a variety of reasons.**

**ACKNOWLEDGEMENTS** – The author gratefully acknowledges insights, suggestions, and contributions from: **John Colombo**, Professor, University of Illinois at Urbana Champaign School of Law -- teaching primarily in the tax field with special focus on tax-exempt organizations, **James Duderstadt**, President Emeritus and University Professor of Science and Engineering at the University of Michigan, **Jon**

**Ericson**, Former Provost and Ellis & Nelle Levitt Professor Emeritus Drake University and a founding member of The Drake Group, **John Gerdy**, Author and Visiting Professor in Sports Administration at Ohio University, a former professional basketball player as well as a legislative assistant at the NCAA and the Associate Commissioner of the Southeastern Conference, **Amy McCormick**, Professor, Michigan State University College of Law, and cited author on sports related law, **David Ridpath**, Assistant Professor of Sport Administration, Division of Sport Administration, Ohio University and the Executive Director of The Drake Group, **Allen Sack**, Director of the Management of Sports Industries Program at the University of New Haven and a founding member of The Drake Group, **Richard Southall**, Director, College Sport Research Institute, Assistant Professor, Sport & Leisure Commerce, University of Memphis and a member of The Drake Group, and **Andrew Zimbalist**, Professor, Economics Department at Smith College of Economics, Smith College, and noted author in the realm of sports business.

**Frank G. Splitt**, a member of ASEE, is a former McCormick Faculty Fellow at Northwestern University and Vice President Emeritus of Nortel Networks, a Life Fellow of the IEEE, a Senior Director and Fellow of the International Engineering Consortium, and a member of The Drake Group. He was a member of the inaugural ABET Industry Advisory Council, the recipient of the *2006 Robert Maynard Hutchins Award*, and the author of "Reclaiming Academic Primacy in Higher Education" and "The Faculty-Driven Movement to Reform Big-Time College Sports." *These, as well as his other essays and commentaries on college sports reform are available at URL <http://thedrakegroup.org/splittessays.html>*

## NOTES

<sup>1</sup> This article is a sequel the author's previous *Interface* articles related to college sports reform, "THE U. S. CONGRESS, HIGHER EDUCATION, AND COLLEGE SPORTS REFORM: Signs of Progress, Truth, and Consequences," and "Federal Intervention Required in the Accreditation Process," that appeared in the April and August 2007, issues. In large measure, it is based on the September 12, 2007, "Comments by The Drake Group on the Draft of a Redesigned IRS Form 990."

<sup>2</sup> FERPA is part of the Federal General Provisions Concerning Education (GEPA), a set of unfunded conditions on the receipt of federal education funds. It is commonly referred to as the Buckley Amendment to GEPA. See Matthew R. Salzwedel & Jon Ericson, "Cleaning Up Buckley: How the Family Educational Rights and Privacy Act Shields Academic Corruption in College Athletics," *Wisconsin Law Review*, Volume 2003, Number 6, 1053-1113. TDG has recommended that the Congress add interpretive wording to FERPA's student privacy provisions to make abundantly clear that this legislation does not prohibit release of information on the academic performance of individual athletic teams in whole or in part, so long as the data do not identify individual team members. Supplementary recommendations relative to FERPA that will ensure academic integrity of institutions of higher education are as follows: a) Under Department of Education guidelines, "Directory Information" shall be amended to insert "courses, including the name of the professor" following "major field of study," and b) Institutions shall make public academic records of members of student groups sufficient in number to protect the privacy of individual students, students' courses including the grade, name of the professor and course GPA. The records shall be in the listed in order of grades received, i.e., courses in which the student received an A, courses in which the student received a B, and so forth.

<sup>3</sup> Duderstadt, James J., *The View from the Helm: Leading the American University During an Era of Change*, p. 326, University of Michigan Press, Ann Arbor, Michigan, 2007

<sup>4</sup> Fain, Paul, "Senator Questions Colleges' Tax Breaks," *The Chronicle of Higher Education*, April 13, 2007.

<sup>5</sup> Senate Finance Committee Press Release, "Senators Work to Build Confidence in Nonprofits Through Greater Transparency," May 29, 2007, <http://www.senate.gov/~finance/sitepages/baucus.htm>

<sup>6</sup> Schakowsky, Janice D. "Call for attention to the work of Dr. Frank Splitt," Congressional Record, Extension of Remarks, March 17, 2005, - p 9, [http://thedrakegroup.org/Splitt\\_Essays.pdf](http://thedrakegroup.org/Splitt_Essays.pdf).

<sup>7</sup> Splitt, Frank G., "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics", *The Montana Professor*, Spring 2007, <http://mtprof.msun.edu/Spr2007/splitt.html> This article contains details on these congressional efforts as well as historical perspectives that help get at the truth about big-time college sports. Also, an article by Brand titled "Faculty Members Constructive Engagement in Intercollegiate Athletics," <http://mtprof.msun.edu/Spr2007/brand.html>, appeared in the same issue. Geoffrey G. Gamble, President of Montana State University and George M. Dennison, President of the University of Montana said this in the *Editor's Introduction*: "While not arranged as an exchange, the two pieces by Myles Brand and Frank Splitt offer contrasting views about the role and control of intercollegiate athletics. Brand argues for faculty engagement to assure that intercollegiate athletics remains an integral part of the academy, while Splitt urges federal intervention by Congress to bring under control what he sees as excessive dedication of higher education resources to intercollegiate athletics."

<sup>8</sup> McCormick, Robert A. and Amy C., "The Myth of the Student-Athlete: The College Athlete as Employee," *Washington Law Review*, Vol. 81, pp. 71-157, 2006, Available at SSRN: <http://ssrn.com/abstract=893059>

<sup>9</sup> College Sport Research Institute, "Study of 2006 NCAA Division I men's basketball tournament players' majors," Memphis, TN, 2007

<sup>10</sup> Finley, P. S. and Fountain, J. J., "Academic stacking of athletes on low-performing Division I football teams," Paper presented at the annual meeting of The Drake Group, Cleveland, OH, March 2007.

<sup>11</sup> Zimbalist, Andrew, *Unpaid Professionals: Commercialism and Conflict in Big-Time College Sports*, Princeton University Press, 1999; See pp. 128 and 129 in the Paperback Edition, 2001.

<sup>12</sup> Sack, Allen L and Staurowsky, Ellen J., *College Athletes for Hire: The Evolution and Legacy of the NCAA's Amateur Myth*, Praeger Publishers, 1998.

<sup>13</sup> Splitt, Frank G., "Are Big-Time College Sports Good for America?"  
[http://www.thedrakegroup.org/Splitt\\_Good\\_for\\_America.pdf](http://www.thedrakegroup.org/Splitt_Good_for_America.pdf)

<sup>14</sup> \_\_\_\_\_, "**The U. S. Congress, Higher Education, and College Sports Reform**"  
[http://thedrakegroup.org/Splitt\\_The\\_Interface.pdf](http://thedrakegroup.org/Splitt_The_Interface.pdf)

<sup>15</sup> \_\_\_\_\_, "**The Congressional Challenge to the NCAA Cartel's Tax-Exempt Status**"  
[http://thedrakegroup.org/Splitt\\_Congressional\\_Challenge.pdf](http://thedrakegroup.org/Splitt_Congressional_Challenge.pdf)

<sup>16</sup> \_\_\_\_\_, "Don't Overlook the Congress for Serious College Sports Reform"  
[http://thedrakegroup.org/Splitt\\_Dont\\_Overlook.pdf](http://thedrakegroup.org/Splitt_Dont_Overlook.pdf)

<sup>17</sup> Over the years, the NCAA has made a number of rule changes that have emphasized athletics over academics so as to move their D-1A football and men's basketball programs to professional levels. The NCAA has resisted providing college athletes meaningful opportunities to function as real students by not agreeing to: a) Restore first-year ineligibility for freshmen with expansion to include transfer athletes; b) Reduce 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; c) Restore multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance (currently, an athletic scholarship is an agreement between athlete and coach/athletic department, renewed based on ATHLETIC performance), or, replace athletic scholarships with need-based scholarships – agreements between a student and the institution based on *academic* performance. If the scholarship is need based, it will be awarded by the institution – just as the institution awards all other need-based aid – in that case, it does not need to be a five year award as the student will continue to receive his or her need-based aid, even if they leave the team. A strong case for switching to need-based aid as the only way to break the cycle of sponsoring professional teams on college campuses is made by John Gerdy in his most recent book, *Air Ball: American Education's Failed Experiment with Elite Athletics*; and d) Require athletes to honor the terms of their multiyear athletic scholarship with appropriate penalties to the school and athlete for broken commitments such as 'one and out' to the NBA.

<sup>18</sup> Attending class is a public act; disclosing the names of courses and professors while not releasing students' grades provides the appropriate balance between a student's right to privacy and the public's right to know the conduct of faculty, administrators and governing board members. The purpose of transparency is to focus on the conduct of faculty, administrators and governing board members, not on student conduct. Transparency would require disclosure of courses taken by the school's football and basketball team players as well as cohorts representing 50% of the players with the most playing time, the average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses, and whole-period class attendance records for the athletes.

<sup>19</sup> The schools should be required to identify: a) The Department of Education's National Advisory Committee on Institutional Quality and Integrity (NACIQI) approved accrediting organization responsible for accrediting the tracks, especially for the general studies and other 'diploma-mill-like' degree tracks commonly engineered for athletes by their school's academic support center staff, and b) The responsible authority for academic counseling and support services for athletes. Such services should be the same for all students and in no way under the influence of the athletic department.

<sup>20</sup> It is reasonable to expect that a legitimate student have no less than a "C" average. The school's chief academic officer should be held personally accountable for academic corruption.

<sup>21</sup> Conditioning the continuation of the NCAA's tax-exempt status on their meeting specific reporting requirements such as outlined herein and plugging the tax loopholes that help subsidize the college sports arms race will provide a strong message as to the serious nature of the revised Form 990 and its schedules. Self assessment and reporting by colleges and universities, as well as weak enforcement by the NCAA, and even weaker penalties for infractions, provide an enormous incentive for schools to scheme and cheat. Failure to implement and comply with the IRS reporting requirements should put the NCAA and/or individual institutions at risk of losing their tax-exempt status. Once implemented, evidence of a continuation of existing patterns of fraud, continued efforts by universities and colleges to circumvent the intent of these measures, or, retaliation against whistleblowers, should garner severe penalties

<sup>22</sup> Convenience accounting and budgeting practices will continue to be used by the NCAA cartel to deceive and confuse faculty, the public, the Congress and the IRS about athletic department financials unless and until schools are forced to employ a uniform system of accounting that includes total capital expenditures, depreciation, and total staff costs from all sources, as well as be subject to public financial audits. The threat of Sarbanes-Oxley would certainly bring the NCAA and its member institutions to sharp attention.

## A Revised IRS Form 990 Can Serve as Occam's Razor for the Core Problem in College Sports

This commentary can be accessed online at  
[https://drakegroupblog.files.wordpress.com/2013/01/splitt\\_revised\\_irs\\_form.pdf](https://drakegroupblog.files.wordpress.com/2013/01/splitt_revised_irs_form.pdf)

*Our guest author, a member of The Drake Group argues against the status quo in the federal tax code applicable to college athletics and for Revisions to IRS Form 990 with its aims for enhanced transparency and accountability.*

## More on Taxing the Sports Factory

*By Frank G. Splitt*

In his October 1, 2007, *Inside Higher Ed* article, “Taxing the Sports Factory” John V. Lombardi, President, Louisiana State University System and former Chancellor at the University of Massachusetts Amherst, presents what is likely the first of many countermeasures in defense of the status quo.[1] Put another way, Dr. Lombardi presents arguments in opposition to the Revised IRS Form 990, stimulated by Senator Grassley and the Senate Finance Committee, that can help force the NCAA and its member institutions to tell the truth about their sports entertainment business.[2]

Dr. Lombardi says: “Since at least the early 20th century, it has been fashionable to attack college athletics as distorting the priorities of American colleges and universities, and there is often much evidence to support the attacks. The difficulty in taking these challenges seriously is that they are often unclear about the context within which college athletics functions and undervalue the significance of the constituencies that support this part of the American collegiate enterprise.”

Nothing could be clearer than the context within which college athletics functions; and certainly, the challenges don’t undervalue the significance of the constituencies that support the athletics part of the American collegiate enterprise. Here’s why:

First, the context within which college athletics functions is compromised academic integrity that enables out-of-control commercialization with its distracting influence on school officials, on America’s youth, and on the nation’s diminishing prospects as a leader in the 21st century’s global economy. All too often, secrecy, deceit, and deception, are hallmarks of the business of college-sports entertainment where hypocrisy, intimidation, and retaliation are the tools of the trade. It is a business where ethics, civility, shame, and truth telling are not to be expected, and where telling the truth about the negative impact of college sports on higher education can have dire consequences.

Second, rather than undervaluing the significance of the constituencies that support the athletics part of the American collegiate enterprise, most (if not all) challenges recognize the power of these constituencies to exert a stranglehold on America’s institutions of higher education to the extent that the athletic tail wags the academic dog. Constituents consist of rabid fans, wealthy boosters (with some sitting on governing boards), legislators, and other participants in multiple levels of the college-sports entertainment business — including those in sports media that have a symbiotic relationship with other constituents. These are constituents with significant power – indeed, in the aggregate, capable of exerting almost absolute power over college athletics.

Dr. Lombardi states that: “Mega college athletics is indeed a remarkable American invention, it reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we (our faculty, our staff, our alumni, our legislators, our trustees, our students, and our many other constituencies) want it. We could easily change it, IF MOST OF US WANTED TO CHANGE IT. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best (often the most expensive) programs in America by winning games and championships.”

This statement brings to mind the opening line of a Selena Roberts’ column: “It is worth a take-home exam to discover how the brains behind higher education have lost their minds in the pursuit of football superiority”[3] and lines from Thomas Paine’s 1776, *Common Sense*: “Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason.”

It is interesting to note that Dr. Lombardi prefaced his above remark by saying: “If these mega programs are a bad thing, we should take them on and fix them directly rather than try to sneak in a fix that won’t work via the tax code.” Nowhere does he describe the tax-code “fix that won’t work” — avoiding any discussion of the enhanced transparency and accountability aims of the IRS’ Revised Form 990.

It is ironic that current federal tax policy forces parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, ‘stadium wars,’ tax breaks for wealthy boosters, NFL and NBA minor league teams, and other artifacts of the big-time college sports arms race. Meanwhile, the NCAA works to further its financial interests and thwart any and all serious reform efforts – especially those that could expose their ‘student-athlete’ ruse or possibly reduce their revenues.

Apparently, what may be the object of concern by the tax-exempt organizations in the big-time college-sports entertainment business are the following TDG recommendations submitted to the IRS:

1. Amend the revised Form 990 and schedules to provide a meaningful level of enhanced transparency – requesting the NCAA and its member institutions to disclose information that will provide evidence that their athletes: a) Are maintained as an integral part of the institution’s student body; b) Attend regular whole-period classes; c) Are on accredited degree tracks and are held to the same academic standards of performance as all other students; and d) Realize a 2.0 grade-point average, quarter-by-quarter or semester-by-semester to gain and maintain eligibility for participation in athletic events, with the grades and academic records certified by the school’s chief academic officer.
2. Advise the NCAA and its member institutions that: a) The need to vastly improve their transparency and reporting is a very serious matter and that their tax-exempt status will be conditioned on full disclosure; and b) Their operations will be subject to IRS and congressional oversight as well to severe penalties (in addition to the loss of their tax-exempt status) for noncompliance.

3. Eliminate what appear to be clear violations of fundamental tax principles such as the loopholes that were inserted in the tax laws to enable practices such as tax deductions for contingent fees on seat tickets and skybox lease payments.
4. Be more rigorous in assessing the UBIT status of the revenues received by organizations, such as the NCAA, whose sports entertainment business mission is largely tangential to the educational mission of colleges and universities.
5. Require the NCAA and their member institutions to employ a standard uniform system of accounting in their athletic departments that is subject to public financial audits.

The implementation of the above recommendations by the IRS – requiring enhanced transparency and reporting on the part of the NCAA and its member institutions – would not only increase tax revenues, but also help restore academic and financial integrity in colleges and universities supporting big-time sports programs, especially football and men’s basketball. These restorations would go a long way toward reclaiming academic primacy in higher education – doing that which presidents, governing boards, faculty, the NCAA, the Knight Commission, and others have failed to do for a variety of reasons.

**Notes:**

- 1 [www.insidehighered.com/views/blogs/reality\\_check/taxing\\_the\\_sports\\_factory](http://www.insidehighered.com/views/blogs/reality_check/taxing_the_sports_factory)
- 2 [www.thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary\\_IRS.pdf](http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primary_IRS.pdf)
- 3 Roberts, Selena, “An Awkward Coexistence on Campus,” The New York Times, Sports of the Times, Nov. 12, 2005.

*Dr. Splitt’s commentary was posted on Inside Higher Ed on 10-9-07 following the article by Dr. Lombardi and it has been reprinted on Clips with the author’s permission.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

## On the Faculty Role in College Sports Oversight

Valuable insights applicable to subsequent reform campaigns and the faculty role in college sports oversight were obtained via experience in the 1990s with projects related to environmental and national information infrastructure initiatives [1]. For example, the campaign for systemic engineering education reform was the first to build on this experience [2]. In turn, this campaign helped guide The Drake Group campaign to restore academic primacy in America's colleges and universities that support big-time athletic programs [3].

Taken together, all of these campaigns illuminated the formidable institutional opposition to change, especially in higher education ... opposition that becomes manifest when the vested interests of even highly respected people and institutions are threatened, or, are even perceived to be threatened.

The campaigns also provided an abiding sense that America's future position as a global economic and academic leader is compromised by its obsessive sport's culture [4]. This cultural problem not only distracts the attention of college and university officials from the burning issues of our time, but also lies at the root of the decline toward the total prostitution of their colleges and universities in a seeming desperate quest for more money, power, and prestige.

Unbounded hypocrisy undermines the credibility of these officials as they are apparently either unwilling or unable to work seriously to restore academic primacy and integrity to their institutions and to the whole of higher education.

As John V. Lombardi, the president of the Louisiana State University System, stated: "Mega college athletics is indeed a remarkable American invention, it reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we (our faculty, our staff, our alumni, our legislators, our trustees, our students, and our many other constituencies) want it. We could easily change it, IF MOST OF US WANTED TO CHANGE IT. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best (often the most expensive) programs in America by winning games and championships" [5].

Now comes the latest effort by the NCAA to cloak its college sports entertainment business with a veil of respectability – seeking to enlist faculty as partners in the hypocrisy that surrounds big-time college sports by helping school officials connect athletics and academics in a way that will appear as an endorsement of the NCAA's 'student-athlete' ruse [6]. The benefit? – Faculty involvement in oversight would not only help the NCAA justify its status as a tax-exempt institution of higher education, but would also help circumvent disclosure.

Perhaps faculty members that see promise in this NCAA tactic might consider its long-range implications. For example, in his report on the Knight Commission's Faculty Summit on Intercollegiate Athletics, Elia Powers reported that: "Several speakers said they are optimistic that faculty, if asked, would accept greater roles in overseeing aspects of athletics programs. Rewarding them for their service to the university (in tenure reviews, for instance) is one way to attract more faculty to such governance groups" [7]. This smacks as a big step on the slippery slope to relinquishing faculty independence and a serious level of oversight.

Can you imagine the prospects of untenured faculty and academic appointees that call for transparency/disclosure and accountability on the part of school officials [8]? For example, consider the prospects for untenured faculty members that call on their administrations to act on the implicit suggestions in U. S. Naval Academy Professor John Hill's comment: "Core faculty have no chance of supervising major athletic programs on their campuses, nor should they bother. Academic programs and athletic programs are on different planets when the latter are highly competitive, Division One affairs. The best that a college or university can hope for is to spin the latter programs off as subsidiary enterprises,

consider the athletes as entertaining distractions for students as well as alumni, who might contribute to annual fund drives, and then extract sizeable bonuses from professional teams who hire their players...?” [7]

Or, can you imagine the tenure prospects of candidates who worked for their faculty senate's endorsement of recommendations requiring enhanced transparency and reporting on the part of the NCAA and its member institutions? For example, consider the following recommendations that were submitted to the IRS by The Drake Group? [9]:

1. Amend the revised Form 990 and schedules to provide a meaningful level of enhanced transparency - requesting the NCAA and its member institutions to disclose information that will provide evidence that their athletes: a) Are maintained as an integral part of the institution's student body; b) Attend regular whole-period classes; c) Are on accredited degree tracks and are held to the same academic standards of performance as all other students; and d) Realize a 2.0 grade-point average, quarter-by-quarter or semester-by-semester to gain and maintain eligibility for participation in athletic events, with the grades and academic records certified by the school's chief academic officer.
  2. Advise the NCAA and its member institutions that: a) The need to vastly improve their transparency and reporting is a very serious matter and that their tax-exempt status will be conditioned on full disclosure; and b) Their operations will be subject to IRS and congressional oversight as well to severe penalties (in addition to the loss of their tax-exempt status) for noncompliance.
  3. Eliminate what appear to be clear violations of fundamental tax principles such as the loopholes that were inserted in the tax laws to enable practices such as tax deductions for contingent fees on seat tickets and skybox lease payments.
  4. Be more rigorous in assessing the UBIT status of the revenues received by organizations, such as the NCAA, whose sports entertainment business mission is largely tangential to the educational mission of colleges and universities.
  5. Require the NCAA and their member institutions to employ a standard uniform system of accounting in their athletic departments that is subject to public financial audits.
- Presidents, governing boards, faculty, the NCAA, the Knight Commission, and others have failed to reclaim academic primacy in higher education. As has been said many times, federal intervention is required to control the growth and corruption in big-time college sports [10]. Transparency/disclosure is key to reducing academic corruption and the only way this will come about in the real world of academe is via federal intervention.
- In recent years the (NCAA co-opted) Knight Commission has struggled to at least appear relevant by preserving the illusion that it is still reform minded – performing a watchdog function over college sports – but seeming not only unable to address the core problem of academic corruption, but unwilling to do so as well.

The last thing the NCAA, the Knight Commission, and school officials, want to hear about is a congressional hearing on transparency and accountability aimed at making the college sports business prove that it deserves its tax exempt status. Why so? Such a hearing would likely expose institutional misbehavior via disclosure of the grades of athletes, the courses they take, and the faculty who teach the courses. It is this institutional misbehavior that enables the NCAA to continue its 'student-athlete' ruse – a fraud perpetrated on American taxpayers.

In the end, The Drake Group recommendations re: the Revised IRS Form 990 appear to be the best approach to get disclosure so as to help clean up the mess in college sports.

Frank G. Splitt  
October 19, 2007



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## On the Faculty Role in College Sports Oversight

**BACKGROUND** –Valuable insights applicable to subsequent reform campaigns and the faculty role in college sports oversight were obtained via experience in the 1990s with projects related to environmental and national information infrastructure initiatives [1]. For example, the campaign for systemic engineering education reform was the first to build on this experience [2]. In turn, this campaign helped guide The Drake Group campaign to restore academic primacy in America's colleges and universities that support big-time athletic programs [3].

Taken together, all of these campaigns illuminated the formidable institutional opposition to change, especially in higher education ... opposition that becomes manifest when the vested interests of even highly respected people and institutions are threatened, or, are even perceived to be threatened. The campaigns also provided an abiding sense that America's future position as a global economic and academic leader is compromised by its obsessive sport's culture [4]. This cultural problem not only distracts the attention of college and university officials from the

burning issues of our time, but also lies at the root of the decline toward the total prostitution of their colleges and universities in a seeming desperate quest for more money, power, and prestige.

**THE WAY IT IS** – Unbounded hypocrisy undermines the credibility of these officials as they are apparently either unwilling or unable to work seriously to restore academic primacy and integrity to their institutions and to the whole of higher education.

John V. Lombardi, the recently appointed president of the Louisiana State University System, gives a candid view of big-time college athletics: “Mega college athletics is indeed a remarkable

American invention, it reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we (our faculty, our staff, our alumni, our legislators, our trustees, our students, and our many other constituencies) want it. We could easily change it, IF MOST OF US WANTED TO CHANGE IT. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best (often the most expensive) programs in America by winning games and championships” [5].

**Faculty Members Constructive Engagement in Intercollegiate Athletics** – Now comes the latest effort by the NCAA to cloak its college sports entertainment business with a veil of respectability – seeking to enlist faculty as partners in the hypocrisy that surrounds big-time college sports by helping school officials connect athletics and academics in a way that will appear as an endorsement of the NCAA’s ‘student-athlete’ ruse [6]. The benefit? – Faculty involvement in oversight would not only help the NCAA justify its status as a tax-exempt institution of higher education, but would also help circumvent disclosure.

Perhaps faculty members that see promise in this NCAA tactic might consider its long-range implications. For example, in his report on the Knight Commission’s Faculty Summit on Intercollegiate Athletics, Elia Powers reported that: “Several speakers said they are optimistic that faculty, if asked, would accept greater roles in overseeing aspects of athletics programs. Rewarding them for their service to the university (in tenure reviews, for instance) is one way to attract more faculty to such governance groups” [7]. This smacks as a big step on the slippery slope to relinquishing faculty independence and a serious level of oversight.

**TWO SCENARIOS** – First, can you imagine the prospects of untenured faculty and academic appointees that call for transparency/disclosure and accountability on the part of school officials [8]? For example, consider the prospects for untenured faculty members that call on their administrations to act on the implicit suggestions in U. S. Naval Academy Professor John Hill’s comment: “Core faculty have no chance of supervising major athletic programs on their campuses, nor should they bother. Academic programs and athletic programs are on different planets when the latter are highly competitive, Division One affairs. The best that a college or university can hope for is to spin the latter programs off as subsidiary enterprises, consider the athletes as entertaining distractions for students as well as alumni, who might contribute to annual fund drives, and then extract sizeable bonuses from professional teams who hire their players...?” [7]

Or, can you imagine the tenure prospects of candidates who worked for their faculty senate's endorsement of recommendations requiring enhanced transparency and reporting on the part of the NCAA and its member institutions? For example, consider the following recommendations that were submitted to the IRS by The Drake Group? [9]:

1. Amend the revised Form 990 and schedules to provide a meaningful level of enhanced transparency — requesting the NCAA and its member institutions to disclose information that will provide evidence that their athletes: a) Are maintained as an integral part of the institution's student body; b) Attend regular whole-period classes; c) Are on accredited degree tracks and are held to the same academic standards of performance as all other students; and d) Realize a 2.0 grade-point average, quarter-by-quarter or semester-by-semester to gain and maintain eligibility for participation in athletic events, with the grades and academic records certified by the school's chief academic officer.
2. Advise the NCAA and its member institutions that: a) The need to vastly improve their transparency and reporting is a very serious matter and that their tax-exempt status will be conditioned on full disclosure; and b) Their operations will be subject to IRS and congressional oversight as well as severe penalties (in addition to the loss of their tax-exempt status) for noncompliance.
3. Eliminate what appear to be clear violations of fundamental tax principles such as the loopholes that were inserted in the tax laws to enable practices such as tax deductions for contingent fees on seat tickets and skybox lease payments.
4. Be more rigorous in assessing the UBIT status of the revenues received by organizations, such as the NCAA, whose sports entertainment business mission is largely tangential to the educational mission of colleges and universities.
5. Require the NCAA and their member institutions to employ a standard uniform system of accounting in their athletic departments that is subject to public financial audits. Presidents, governing boards, faculty, the NCAA, the Knight Commission, and others have failed to reclaim academic primacy in higher education. As has been said many times, federal intervention is required to control the growth and corruption in big-time college sports [10]. Transparency/disclosure is key to reducing academic corruption and the only way this will come about in the real world of academe is via federal intervention.

**CONCLUDING REMARKS** – In recent years the (NCAA co-opted) Knight Commission has struggled to at least appear relevant by preserving the illusion that it is still reform minded – performing a watchdog function over college sports – but seeming not only unable to address the core problem of academic corruption, but unwilling to do so as well.

The last thing the NCAA, the Knight Commission, and school officials, want to hear about is a congressional hearing on transparency and accountability aimed at making the college sports business prove that it deserves its tax exempt status. Why so? Such a hearing would likely expose institutional misbehavior via disclosure of the grades of athletes, the courses they take, and the faculty who teach the courses. It is this institutional misbehavior that enables the NCAA to continue its 'student-athlete' ruse – a fraud perpetrated on American taxpayers.

In the end, The Drake Group recommendations re: the Revised IRS Form 990 appear to be the best approach to get disclosure so as to help clean up the mess in college sports.

**AFTERWORD** – The Knight Commission Faculty Summit and my above comment evoked several personal communications from attendees and non-attendees as well. The following excerpts from these communications tell a sad story:

- “The Summit was worse than a disappointment. It was a travesty, a joke, an embarrassment. Yet it was not a surprise. The Summit captured on one large canvas why reform of college athletics has failed: Avoidance rather than searching; evading rather than facing; posturing rather than confronting.”
- “It was difficult to get excited about the Knight Commission Faculty Summit. The general feeling I carried away with me was that the vast majority of faculty, most of whom were not represented at the Summit, have simply resigned themselves to the reality of big-time college sports and have thrown in the towel.”
- “My sense was that the discussion was the correct one, but the big problem is that the audience was not the right people – we need to be talking to Presidents/Chancellors and Governing Boards. They are the ones who wield the real power to make changes. I wouldn’t want to wait to see faculty “hold their ground,” because I doubt that will ever occur. They will just lock themselves in their offices.”
- “The general opinion of those present was that faculty should make academic compromises to accommodate the needs of the industry rather than vice versa. An AP writer captured the tone of the meeting in an article entitled Knight Commission Survey finds Professors Ambivalent” [11].
- “We (faculty) have a tool which can return the balance of power to the faculty. That tool is disclosure.....disclosing the grades of athletes, the courses they take, and the faculty who teach the courses. Efforts to reform college sports and restore academic integrity will continue to fail if we focus on those things that we have no control over as faculty: tax exempt status, coaches’ salaries, commercialism, Title IX, arms race, and so forth. We must engage our faculty in the one area that we control: our curriculum and whether or not it truly educates athletes in our respective institutions of higher learning.

No doubt, critical remarks and suggestions by faculty members fell on deaf ears at the Summit. From what I understand, University of Michigan Regent and Knight Commissioner Andrea Fisher Newman, claimed (in effect) that Michigan has absolutely clean academic skirts – notwithstanding claims to the contrary by Stanford University Head Coach and former Michigan quarterback Jim Harbaugh. In the end, what appeared to be missing was a Summit-closing rendition by the Knight Commissioners of “Hakuna Matata” (not to worry/no problem here).

All of this prompts a reiteration of my firm conviction that, aside from federal intervention, there is no way that university and college presidents, governing boards, and/or faculty members can be motivated to do whatever is necessary to eliminate academic corruption in college sports. Put another way, these parties cannot be educated and/or embarrassed to do the right thing, no matter how logical this seems to be. It’s their choice based on their personal circumstances and worldview. More simply put, they want to keep their jobs. Here it is worth rereading the above words of John V. Lombardi, a recently appointed president, the president of the Louisiana State University System.

Two years ago I said, 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 [12]. Governing boards, especially those that serve at the pleasure of the president, do what the president wants done. Many boards are driven by wealthy boosters and the president does what they want done. Their money buys power, influence, and prestige.

As for faculty members, untenured faculty are too busy getting tenure to work for reform and would not want to risk gaining tenure by bucking the system, while tenured faculty are usually too busy doing research and/or just don't want to get involved in controversial nonacademic affairs.

A book could be written on why it is so difficult to change the status quo in college sports with a chapter dedicated to each of the parties – including the NCAA. It could begin with the quote from John Lombardi and this quote from Murray Sperber, professor emeritus of English and American studies at Indiana University at Bloomington and author of four books on college sports and college life: “I realized that no matter what critics say, no matter how logical our arguments, the 85,000 Texas fans are not going to disappear, nor will the close to 110,000 fans who fill the Michigan Stadium in Ann Arbor, nor will the millions of other fans at other universities across the country. Thus, to reform intercollegiate athletics, critics will have to understand the power that it has over its fans — a significant percentage of the U.S. population — and how deep its roots are in the American psyche” [13].

And Sperber didn't even mention the big money machines at Ohio State, Penn State, and the University of Oregon [14-16]. These and other universities across the country help generate billions of dollars in revenues for the flourishing college sports entertainment and related businesses that have yet to be scrutinized by the Congress and the IRS.

The big-time college sports entertainment business has exploited the American public's addiction to professional college football and men's basketball – creating a money machines that are warping the academic mission and values of America's institutions of higher education while compromising their integrity along the way.

Disclosure is the key to reclaiming academic primacy in higher education, but just how can this be brought about? We of The Drake Group believe that federal intervention seems to be our only viable recourse, using the continuation of the tax-exempt status of the NCAA and its member institutions as the mechanism.

So again, the last thing the NCAA, the Knight Commission, and school officials, want to hear about is a congressional hearing on transparency and accountability aimed at making the college sports business prove that it deserves its tax exempt status because such a hearing would likely expose institutional misbehavior via disclosure of the grades of athletes, the courses they take, and the faculty who teach the courses.

It is this institutional misbehavior that enables the NCAA to continue its 'student-athlete' ruse – a fraud perpetrated on American taxpayers.”

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A restatement of the  
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*Nick Infante, Clips Editor*

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## **The Rutgers 1000: A Profile in Academic Courage**

*Our guest author uses the recent publicity surrounding the Rutgers 1000 to renew his advocacy for congressional intervention into college athletics.*

*by Frank G. Splitt*

*Universities exist to transmit understanding and ideals and values to students, and to add to the body of intellectual knowledge, not to provide entertainment for spectators or employment for athletes. The proper role of athletic activity at a university is to foster healthy minds and healthy bodies, not to produce spectacles.*

– **Milton Friedman**, excerpt from his 1998 endorsement of the Rutgers 1000 campaign

**DOUG LEDERMAN'S** recent account of the reconstitution of the Rutgers 1000, a group of Rutgers students, faculty and alumni that aim to stop university administrators from emphasizing football over academics, tells a story of a rare display of campus courage in the face of daunting odds.[1, 2] It brought to mind this cogent 2003 statement by Stanley Katz, Professor, Woodrow Wilson School of Public and International Affairs, Princeton University:

*The system of higher education is out of control. In their own way, the Ivies are just as badly impacted as the Big Twelve. Even well intended university reformist presidents have not been able to stop the trend to financial aggrandizement. Education is too important to be left to anyone other than educators. So faculty must rise up to demand reform of intercollegiate athletics, to reject the hypocrisy of the notion of "student-athletes," and to assert the primacy of undergraduate education. This is a battle we cannot afford to lose.[3]*

In a 2001 essay Professor Dowling states that: .... *there is substantial agreement, with a majority of critics arguing that the solution (to the problems in college sports) is to make athletics in Division IA of the National Collegiate Athletic Association (NCAA) openly professional -- the school operates the franchise,*

*the stadium is sold to shareholders, the players are hired on the same terms as those in the NBA or NFL, and the charade of trying to pass them off as "student athletes" is quietly put to rest.*[4]

It is of interest to note that contrary to claims by the NCAA and its member institutions, intercollegiate athletics is already professionalized. Michigan State University College of Law Professors Robert and Amy McCormick argue in a Washington Law Review article that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions should not be viewed as "student-athletes" as the NCAA asserts, but should, instead, be considered "employees" under the National Labor Relations Act.[5]

Nonetheless, unless forced by the government, the NCAA and its member institutions would never agree to the solution espoused by the majority of critics. Why? It would be tantamount to confessing to their 'student-athlete' ruse -- removing the cloak of deceit and deception that allows their fans to fill game seats as they cling to the illusion that big-time college athletes are actually part of their school's serious academic life. This confession would certainly amount to an outright forfeiture of their tax-exempt status and all of its related benefits for them as well as the donors to their athletic programs -- making this 'solution' a sure nonstarter.

Therefore, the formidable task of getting priorities right at Rutgers, and other schools supporting big-time football and men's basketball programs, must be taken on by others. Reform-minded faculty members in the Rutgers 1000 will likely feel the really heavy weight of their reform lances -- risking burnout when they face the defensive efforts of those opposing reform. First and foremost are the foxes in the university's administration that are intent on guarding their financial henhouse.

Generally speaking, it is next to impossible for faculty to engage in reform efforts but there are exceptions, such as Professor Dowling and his colleagues that help keep the reform flame burning. The related work is really not the faculty members "day job" -- they were certainly not hired to worry about college sports. Also, the faculty will have to cope with their sports-crazed colleagues, alumni, boosters and other avid sports fans that are quick to forgive and forget popular athletes and coaches accused of serious crimes but will likely resent any intrusion into their entertainment venue.

Furthermore, most faculty members are likely too busy -- facing a 'time-crunch' problem as they struggle just to keep up with their day jobs. A serious time commitment to reform efforts would be unimaginable for most faculty members. The problem points to the question of faculty overload that was not considered at the October 15, 2007, Knight Commission Faculty Summit.[6]

On the other hand, college sports are the day job for the, coaches and their staffs, athletic directors and administrators, NCAA officials and staffers, as well as a wide variety of derivative business employees who make their living in this domain. Also to be considered are governors as well as state and federal legislators eager to please rather than displease their devout-sports-fan constituents.[7] Taken together, these folks comprise a large cohort of the potentially endangered species of foxes. These defenders have much to lose if their "empires" are downsized, while those working for change realize little more than the psychic income associated with doing the "right thing" at great costs in terms of personal time, vilification and the potential for retribution among other tribulations.[8]

With that said, here are a few general, context-setting bullet points that relate to the fight by the Rutgers 1000 and others to reclaim academic primacy at their university:

- America's future position as a global economic and academic leader is compromised by its obsessive sport's culture. College sports are not only embedded in our national culture, but they seem to be hard-wired into our genetic structure as well -- stemming from our prehistoric zest for the chase



and kill as well as for today's winning of the “games” and the “prize.” This cultural problem not only distracts the attention of college and university officials from the burning issues of our time, but also lies at the root of the decline toward the total prostitution of their colleges and universities in a seeming desperate quest for more money, power, and prestige.

- Unbounded hypocrisy undermines the credibility of these school officials as they preside over their segment of a seeming race to the bottom of academic standards and the dumbing down of America's K-Undergraduate education infrastructure.[9] Apparently these officials are either unwilling or unable to work seriously to restore academic primacy and integrity to their institutions and to the whole of higher education.
- In many, if not most, instances, college athletes' participate in an alternative educational experience that is not part of the school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department to maintain the eligibility of the school's athletes.
- The college sports entertainment business continues to exploit college athletes, provide weak rules enforcement, show a lack of concern with regard to violence by college athletes and the connection of violence to the use of performance enhancing drugs, while it limits access to higher education by real students and shrouds its conduct in a veil of secrecy – taking inappropriate, if not illegitimate, refuge in the privacy provisions of the Buckley Amendment to the Family Educational Rights and Privacy Act (FERPA).
- The college sports entertainment business has been under congressional scrutiny. On Oct. 2, 2006, former Rep. Bill Thomas (R-CA), the past Chairman of the House Committee on Ways & Means, initiated inquiries into the tax-exempt business of college sports by sending NCAA President Myles Brand a sharply-worded letter – asking why the NCAA and its member institutions should maintain the tax-exempt status of their sports programs. The Thomas letter triggered a powerful issue-amplifying column by nationally syndicated columnist George Will as well as a host of supporting editorials and columns in the national media that continue to this day.
- Senator Chuck Grassley (R-IA), the former Chairman of the Senate Finance Committee and now its Ranking Minority Member, has taken up the cause. The primary aim of his effort is to have taxpayer subsidies for college athletics programs benefit the public at large. A spin-off benefit would be to obtain a significant increase in the level of transparency and accountability at the NCAA.-- helping to minimize academic corruption that enables institutions of higher education to field competitive teams so that they can garner financial, PR, and other rewards associated with college sports.[10]
- The recent four-part PBS Nightly Business Report (NBR) on "The 'business' of college football" touted the upside 'business' benefits associated with college football -- overlooking significant downside academic problems – a.k.a. the Hard-Rock-Candy-Mountain spin by the Rutgers 1000. Unwittingly, the PBS series carried the hallmarks of an NCAA promotion piece.[11] Its emphasis on benefits came across as a response to congressional scrutiny of the NCAA and the numerous articles in the national media that suggest that now is the time for the Congress to do something about the hypocrisy and pervasive fraud in big-time college sports that tends to warp the academic mission of America's colleges and universities.
- A relevant transcript excerpt involving Jeff Yastine, a Nightly Business Report Correspondent, and Rep. Cliff Stearns (R-FL), the former chair and now Ranking Member of the House Committee on Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection:

YASTINE: *College football -- It's supposed to be about what happens on the field. But these days, it's also about what happens in the halls of Congress where the topic of coaches' salaries -- like the reported \$4 million a year Nick Saban will make at the University of Alabama -- is coming under scrutiny. Lawmakers like Cliff Stearns of Florida say you won't see legislation, but congressional hearings on the subject are a possibility.* STEARNS: *Here we are in 2007, we're paying coaches \$2.5 million plus endorsements plus TV programs and things like that. What's it going to be in 10 years? And the money that is so prodigious -- what effect is that going to have on the motivation of the university? Is it a spiraling competitive race, almost like an arms race with these universities?*

- The last thing the NCAA, the Knight Commission, and school officials, want to experience is a congressional hearing on transparency and accountability aimed at making the college sports business prove that it deserves its tax-exempt status. Why? Because such a hearing would likely expose institutional misbehavior via disclosure of the grades of athletes, the courses they take, and the faculty who teach the courses.
- It is institutional misbehavior that enables the NCAA to continue its 'student-athlete' ruse – a fraud perpetrated on American taxpayers. To be sure, a congressional hearing would be fought aggressively by the NCAA and its member institutions since protecting the tax-exempt revenues of their sports entertainment businesses is in their vital interest. Not only that, but taking on the NCAA would require not only great political courage, but also a strong bipartisan effort -- not likely in the near future when 2008 election politics are muddying the waters. Although it is to be expected that Senator Grassley's strong effort to have the NCAA justify its tax-exempt status will see tough sledding in the near term, there is reason for cautious optimism that, over time, the Congress will act responsibly.

The Rutgers 1000 represents a truly exceptional campus happening – profiling great courage on the part of faculty members, students, alumni, and other supporters as they continue to fight to get priorities right at their institution. In fact it is so exceptional that it is not expected that this kind of fight will be repeated at other schools unless a similar set of circumstances arises and exactly the right kind of leadership emerges. Put another way, the Rutgers 1000 effort is unique and is unlikely to catalyze similar grass-root efforts on other big-time campuses. Not only would opposition be strong, but there would likely be a paucity of the 'right stuff' on campus in terms human and other resources.

In the end, without federal intervention, the commercialism and corruption in big-time college sports will only grow worse as the schools adopt counter measures to foil or circumvent the NCAA's pathetically weak reform and enforcement measures and as the Knight Commission continues to work with the NCAA to avoid close congressional scrutiny – providing it with cover while both the Commission and the NCAA dance far from the edges of serious reform.

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4. Dowling, William C., "College Sports: Faut-il légaliser la prostitution?," *Academic Questions*, 2001, [www.rci.rutgers.edu/~wcd/prostitu.htm](http://www.rci.rutgers.edu/~wcd/prostitu.htm).
5. McCormick, Robert A. and Amy C., "The Myth of the Student-Athlete: The College Athlete as Employee," *Washington Law Review*, Vol. 81, pp. 71-157, 2006, Available at SSRN: <http://ssrn.com/abstract=893059>
6. Splitt, Frank G., "On the Faculty Role in College Sports Oversight," [http://thedrakegroup.org/Splitt\\_Faculty\\_Role\\_in\\_College\\_Sports\\_Oversight.pdf](http://thedrakegroup.org/Splitt_Faculty_Role_in_College_Sports_Oversight.pdf), "An Afterword," [http://thedrakegroup.org/Splitt\\_Faculty\\_Role\\_Afterword.pdf](http://thedrakegroup.org/Splitt_Faculty_Role_Afterword.pdf)
7. As an example of the pressure on elected government officials, consider this: After being lobbied by University of Wisconsin Athletic Director Barry Alvarez, an Assembly committee recently voted, 11-0, to exempt payments for seat licenses, sold by the UW for football and men's basketball, necessary to gain preferential seating at college sporting events. No member of the Wisconsin Legislature would risk voting for a tax on their UW Badgers and expect to long remain in office -- no matter how justified the tax. That's just how it is in football-loving Wisconsin that is actually low key relative to some of our Southern states where football is either on par with, or, handily trumps religious fervor. Countless examples exist in other states where football and basketball heroes, both coaches and players, overshadow Nobel Laureates and other award-winning scientists and engineers.
8. To get a sense of "vilification and the potential for retribution" see Dowling's discussion of Linda Bensel-Meyers' experience at the University of Tennessee in *Confessions of a Spoilsport*, [2], pp. 113-117, and the author's experience at Northwestern University in "A Statement on Academic Retaliation," [http://thedrakegroup.org/Splitt\\_Statement\\_on\\_Academic\\_Retaliation.pdf](http://thedrakegroup.org/Splitt_Statement_on_Academic_Retaliation.pdf)
9. This is roughly akin to America's neglect of its physical infrastructure from roads and bridges to power grids. In *Confessions of a Spoilsport*, Dowling addresses academic deterioration in higher education. For K-12, here's an instructive scenario from Illinois, reported by Emily Krone in her Nov. 25, 2007, *Daily Herald* article "Chapter 10: Only 1 in 5 graduates college ready." Based on a review of ACT College Readiness reports from 36 nearby high school districts, it was found that just 21 percent of seniors leave high school ready for college or the workplace. One administrator said their graduates would be ready for college if they entered high school at grade level and they would be at that level if they came into first grade with requisite level
10. For more on congressional scrutiny of the NCAA, see "Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process," [http://www.thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary\\_IRS.pdf](http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primary_IRS.pdf)
11. Transcripts for the PBS series, "The Business of College Football," are posted at URL [http://www.pbs.org/nbr/site/features/special/college-football\\_home/](http://www.pbs.org/nbr/site/features/special/college-football_home/)

## Reported GRs and APRs: Another View from the Sidelines

*By Frank G. Splitt*

Doug Lederman asks: “Who needs point spreads and passing statistics?” He answers by saying: “The key information at this time of year: financial payouts for the teams and the graduation rates of the players” [1]. This comment puts the financial payouts aside and focuses on the reported nearly 75% of bowl-bound football teams meet NCAA's academic standards [2].

One need only look at big-time (NCAA Div IA) college and university campuses where the building and expansion of football stadiums, basketball arenas, and other athletic facilities reflects the extant values and priorities at these institutions of higher education. This building frenzy is not only symptomatic of the American public's sports culture, but also of the strong influence of wealthy and/or politically connected boosters, many of whom sit on big-time school governing boards. Thank goodness there is resistance to this mindless activity [3].

In the meantime, it seems that the American public is quite content with not really knowing what's going on so long as it is being entertained. Apparently the public does not care that the most important products from its big-time colleges and universities are professional football and men's basketball players – representing the output of alternative educational systems engineered at Academic Support (Eligibility) Centers that are absolute marvels of ingenuity, innovation, deceit, and deception.

Without transparency, accountability, and independent oversight, there is no way of knowing what really goes on at these centers. Reported improved academic performance is problematic. Put another way, there is no basis for knowing how much of the reported improvement in academic performance of college athletes is verifiable – in the sense that quality degrees were earned in accredited majors – and how much of the improvement is attributable to academic corruption.

No doubt, the reported academic performance is much better than it would be in a transparent system with independent oversight. [4] Results are suspect – given the millions of dollars some schools earn from their football programs and the millions of dollars these schools spend on elaborate academic eligibility centers. The November 2007, posts to Lindsey Luebchow's New America Foundation blog site tell a timely story in this regard. So too does Gregg Easterbrook. [6] However, it seems that only Luebchow has taken note of the fact that the NCAA reported GRs and APRs are problematic.

Also, it is unfortunate that the academic performance data reported by the Institute of Diversity and Ethics in Sports (IDSE) – the source of the data used by Lederman [1] and Wolverton [2] – is not only the same NCAA data that comes from schools that have compelling financial reasons to game the system, but are given a patina of correctness and respectability because of the outstanding personal reputation of the IDSE's director, Richard Lapchick.

One can only wonder what the GRs and APRs would be given an NCAA – including its member institutions – that is transparent, accountable, and subject to government oversight by the DOE's accrediting arm. Also, it would be interesting to have aggregated GR and APR data for bowl-bound team members that actually play? The data for the 50% of the players with the most playing time would be a good start.

We need to get priorities right at our nation's universities. Members of bowl-bound football teams will not likely make the American team that engages its global competitors on issues such as climate change, energy research, stem cells and nuclear proliferation – all of which will have major global impacts.

## NOTES

1. Lederman, Doug, "Football Bowl Games: View from the Sidelines," <http://insidehighered.com/news/2007/12/04/bowls>. This essay is based on the author's comment, "A View from the Sidelines of the Rice Bowl," posted 12/04/07 at the same URL.
2. Wolverton, Brad, "Nearly Three-Fourths of Bowl-Bound Football Teams Meet NCAA's Academic Standards," *The Chronicle of Higher Education*, December 4, 2007.
3. Lederman, Doug, "Creating a Ruckus at Rutgers (Again)," <http://insidehighered.com/news/2007/11/21/rutgers>, and Splitt, Frank G., "The Rutgers 1000: An Academic Profile in Courage," [http://thedrakegroup.org/Splitt\\_Rutgers\\_1000.pdf](http://thedrakegroup.org/Splitt_Rutgers_1000.pdf).
4. Splitt, Frank G. "The Academic Performance of College Athletes: No Doubt Worse than Reported," [http://thedrakegroup.org/Splitt\\_Academic\\_Performance\\_of\\_College\\_Athletes.pdf](http://thedrakegroup.org/Splitt_Academic_Performance_of_College_Athletes.pdf)
5. [http://www.newamerica.net/people/lindsey\\_luebchow](http://www.newamerica.net/people/lindsey_luebchow) .
6. Easterbrook, Gregg, "If academics mattered," *Tuesday Morning Quarterback*, Nov. 29, 2007 <http://sports.espn.go.com/espn/page2/story?page=easterbrook/071127>

## **Sports in America 2007: Facing Up to Global Realities**

This commentary can be accessed in PART 9-20 or online at [https://drakegroupblog.files.wordpress.com/2013/01/splitt\\_sports\\_in\\_america\\_2007.pdf](https://drakegroupblog.files.wordpress.com/2013/01/splitt_sports_in_america_2007.pdf)

# Going Beyond the Mitchell Report: Cheating in College Sports Via Performance Enhancing Drugs and Academic Corruption<sup>1</sup>

By Frank G. Splitt

*To be successful, one must cheat. Everyone is cheating, and I refuse to cheat. – Robert Maynard Hutchins, 1939.*

**INTRODUCTION** – It is regrettable that George Mitchell missed a unique opportunity to make a significant contribution to the betterment of our society. All he needed to say is Major League Baseball (MLB) provides a salient example of the rampant cheating in almost all sports in America. His reported 20-month, multi-million-dollar investigation only scratched the surface of a much more deeply rooted national scandal – confirming what astute observers of sports in America already knew for years: performance enhancing drugs (PEDs) have replaced *Wheaties* and *Ovaltine* as the breakfast and drink of champions.

**GREED, MONEY, AND CONSUMMATE HYPOCRISY** – The commissioner and the owners in MLB knew that cheating was going on but didn't try to stop it because there was too much money at stake. Those tied to the financial fortunes of the game colluded for years in the fiction that super-sized bodies are the natural result of good habits, healthy living, and hard training.

Sadly, the same could be said of the NCAA and its member institutions about academic corruption and the likely widespread use of PEDs that not only keep academically unqualified college athletes eligible to play, but also enhance their game performance — generating an ocean of tax-exempt money for participants in the college sports entertainment business. Unfortunately, the use of PEDs in MLB seems to be getting all of the media's attention even though the drug culture in college and high school athletics embraces more athletes and can have more devastating physical and emotional impacts. As a matter of fact, the Mitchell report cited national Centers for Disease Control and Prevention statistics estimating that hundreds of thousands of teens – between 3 percent and 6 percent of high school athletes – use steroids.<sup>2</sup>

**TOO BUSY TO FIX CHEATING PROBLEMS** – NCAA and conference officials, college and university presidents, athletic directors, coaches, and other participants will never admit that they won't do anything serious about academic corruption and the use of performance enhancing drugs because they are all too busy cashing in on the big money. Needless to say, NCAA rules preclude college player-entertainers — so called 'student-athletes' – from sharing in the financial fruits of their labors.

**FAME, GLORY AND BIG MONEY GO TO THE BEST CHEATERS** – We of The Drake Group had hoped that if not Senator Mitchell, someone else with political stature would use the Mitchell report as a segue into what it portends for the future of college sports in America where fame, glory and big money apparently go to the best cheaters that don't get caught.<sup>3</sup> Barry Rozner, a sports columnist at the *Daily Herald* took a good first step at illuminating endemic hypocrisy in the sports world with his columns about the money made by the operators of MLB and the attention-getting naming of the players with sometimes suspect, if not flimsy, evidence.<sup>4</sup>

The folks that ought to be named and shamed are those in control of sports businesses, the operators who create environments and circumstances that promote and/or harbor cheating but do not

provide appropriate means and measures to stifle it. Worse yet they sponsor headline grabbing investigations that put the blame on everyone but themselves. The MLB commissioner and owners are just a case in point.

The NCAA president and school presidents are another case in point. Robert Maynard Hutchins, President of the University of Chicago deplored undue emphasis on nonacademic pursuits. Guided by his personal beliefs, he abolished football at the University of Chicago in 1939. When asked why he did this he replied with the simple statement given in the header to this essay. As former Tufts University Provost Sol Gittleman opined "A Robert Hutchins comes only once in a lifetime."<sup>5</sup>

**LAUGHING TO THE BANK** – The seemingly shameless operators of the college sports entertainment business continue to laugh all the way to their respective banks because they know full well that their tax-exempt status is reasonably secure. Why? For openers, they can always count on their abundant financial, legal, and political resources, as well as their minions in so-called reform groups such as the Knight Commission, to squelch recommendations for serious reform from volunteer faculty organizations such as The Drake Group that call for much greater transparency and accountability on the part of the NCAA and its member institutions.<sup>6</sup>

Furthermore, operators of the college sports entertainment business have a symbiotic relationship with the media that serves a public that just doesn't care about cheating so long as it is provided with what it wants when it wants it – 24/7 sports entertainment and related news. Besides, it's another '3rd-rail' issue for those elected to government office – demanding the utmost in political courage to fight what Sol Gittleman described as the "beast in Indianapolis."

**OTHER PROBLEMS** – There have been more than a few reports on the many negative effects of androgenic steroids, but no explanation as to why taking "natural" human growth hormone (HGH) is also a really bad idea. According to medical doctors affiliated with the University of Chicago's Department of Medicine: "While growth hormone is necessary for children in particular, athletes are tempted to take growth hormone without a demonstrated positive result on performance. They should note what happens in the disease called acromegaly, a condition of too much growth hormone. In this disease, excess growth hormone causes growth of hands, lips, tongue, feet, nose, chin, forehead and liver. In short, most tissues and organs in the body will enlarge, including the heart, sometimes to the point of heart failure. Diabetes, decreased interest and ability in sex, fatigue, excessive sweating, and disordered sleep are also part of this syndrome....We could easily name quite a few drugs that have been withdrawn from the market with less potential for harm than growth hormone."<sup>7</sup>

**CONGRESS TO THE RESCUE?** – According to the Associated Press, Congress announced plans for mid-January 2008 hearings to review the use of performance-enhancing drugs as well as legislation to limit access to steroids and HGH. Also announced was proposed legislation to limit access to performance-enhancing substances and stiffen criminal penalties for abuse and distribution as follows:

- Sen. Charles Grassley (R-IA), proposed Senate bill (S. 2470) would make it illegal to sell dehydroepiandrosterone (DHEA) to anyone under 18. According to Grassley, DHEA is a naturally occurring precursor to testosterone and a dietary supplement that some athletes are using as an alternative to illegal anabolic steroids.
- Sen. Charles Schumer (D-NY) said cracking down on the abuse of human growth hormone, a drug for which there is no reliable test is central to drug control efforts. His Senate bill (S. 877) would classify HGH as a "Schedule III" substance, equating it legally with anabolic steroids and bringing it under the watch of the Drug Enforcement Administration. That would mean that possession of HGH, a naturally occurring hormone approved by the FDA for treatment of some medical conditions, would be illegal

without a current, valid prescription. Penalty for possession could be as high as three years in prison and even higher for illegal manufacture or distribution.

Furthermore, it was reported that two House panels are planning hearings on the Mitchell report.

- The Committee on Oversight and Government Reform has announced a hearing on the matter Jan. 15. Chairman Henry Waxman (D-CA) and ranking Minority Member Tom Davis (R-VA) said they will invite Mitchell, baseball commissioner Bud Selig and Donald Fehr, executive director of the Major League Baseball Players Association, to testify.
- Rep. Bobby Rush (D-IL), chairman of the subcommittee on commerce, trade and consumer protection, has scheduled proceedings for Jan. 23. Mitchell will be invited to testify as will other members of Major League Baseball, a spokesman said.

**WAXMAN'S 2005 HEARING** – Mitchell's report implicated seven MVPs, 31 All-Stars and more than 80 players in all and moved the debate beyond the question of whether or not baseball had a major problem with illegal steroids – the question addressed by Waxman's hearing in March 2005, when five players were compelled by subpoena to tell Waxman's panel whether they had cheated by using steroids. At the time, Waxman was accused of attention-getting grandstanding. Selig claimed the extent of steroids in baseball had been blown out of proportion. "Did we have a major problem? No," Selig told Waxman's panel. "There is no concrete evidence of that, there is no testing evidence, there is no other kind of evidence.

That would be the same type of response to be expected from NCAA President Myles Brand if someone from the Congress ever pushes him to reveal the dirty little secret in the big-time college sports entertainment business – the likely widespread use of performance enhancing drugs and academic corruption in college athletics.

To be sure the NCAA will maintain that the existing minimal testing regimen is up to the task – touting the work of the National Center for Drug-Free Sport which administers the NCAA's random drug testing program. PED experts like Dr. Gary Wadler, Dr. Donald Catlin and Penn State professor Charles Yesalis, are of the belief that the current college testing system is flawed and needs an overhaul.<sup>8</sup> The testing system certainly won't be overhauled unless the Congress forces the NCAA to do so. The situation is not unlike the academic cheating that enables the NCAA to continue its 'student-athlete' ruse – appearing to justify its tax-exempt status.

**CONCLUDING REMARKS** – It is expected that the upcoming congressional hearings will again be subjected to harsh criticism – including grandstanding and avoidance of serious issues such as the threat of inflation/recession, plummeting housing values, immigration problems, and soaring energy costs. Nevertheless, the Mitchell report could still help focus congressional scrutiny on the need to take a hard look at the debilitating impact of sports related cheating via performance enhancing drugs and academic corruption in institutions of higher education as well as in high schools. The aim would be to vastly improve transparency and accountability — recommending rigorous testing regimens and oversight appropriate to the serious nature of what heretofore have been considered to be crimes only when caught – historically addressed by looking the other way.

*December 31, 2007*

**AFTERWORD** – The foregoing essay was posted on The Drake Group Website on January 2, 2008, URL [http://www.thedrakegroup.org/Splitt\\_Mitchell\\_Beyond.pdf](http://www.thedrakegroup.org/Splitt_Mitchell_Beyond.pdf)



Considering the essay's relevance to scheduled January House Committee hearings on the Mitchell Report as well as to proposed Senate Bills S. 877 and S.2470, the URL was forwarded to key staff contacts in the offices of Congressman Henry Waxman, Chairman of the House Committee on Oversight and Government Reform, Congressman Bobby Rush, Chairman of the House Subcommittee on Commerce, Trade, and Consumer Protection, and Senators Chuck Grassley and Chuck Schumer.

The accompanying messages expressed The Drake Group's confidence that:

1. The essay with its accompanying references will help both House Committees not only see that the drug culture in MLB is just a small part of a more serious and much larger (national) cheating problem involving college and high school athletics, but that it also requires bipartisan resolution at the federal level; and,
2. The congressmen will exhibit statesmanlike courage by taking on the operators who share in the financial fortunes generated by the taxpayer-subsidized college sports entertainment businesses that, in large part, are dependent on cheating in one form or another.

It was also stated that Senator Schumer's proposed Senate Bill (S. 877) and Senator Grassley's proposed Senate Bill (S. 2470) are steps in the right direction as is Grassley's effort to have the NCAA provide meaningful levels of transparency and accountability as a condition for the continuation of its tax-exempt status.

Finally, it was stated that without transparency, accountability, and government oversight, the NCAA will continue its deceptive reporting practices, illusory reform, and weak drug testing measures to mislead the IRS and other concerned parties.

*January 4, 2008*

## **NOTES**

1. This essay is an update on a 2005 steroid-focused essay, "Putting College Sports Reform 'On Steroids'," <<http://thedrakegroup.org/splittessays.html>>. It is an extension of a commentary by the author titled "Going Beyond the Mitchell Report," posted in *The New York Times* on December 15, 2007 and published in the *Daily Herald* on December 23, 2007, <http://www.dailyherald.com/story/?id=101146>

2. *Although this essay focuses on college athletics, much of what is written herein applies to high school athletics as well. As reported by John Patterson and Emily Krone, Illinois high school football teams vying for state championships next fall may be the first ever tested for steroids. The move comes amid growing concern about the role of PEDs in sports. Suburban coaches and athletic directors say it's nearly impossible to pinpoint precisely how many of their athletes use illegal drugs, particularly given the ubiquity of over-the-counter supplements. See "Steroid tests for students? They could happen next year," Daily Herald, December 20, 2007.*

3. *In his personal communication of December 24, 2007, The Drake Group founder, Jon Ericson, reached back to his 1995 paper, "To Search for the Truth Wherever It Might Lead, Except if It Leads to Me," 70 International Social Science Review, to provide a step-by-step rundown on how the academic cheating game is played. Here's how it works:*

A. Those in charge of keeping the athlete eligible (under the banner of providing academic support and services for the athlete) locate the names of those professors who are understanding, caring and sensitive to the needs of the athlete [translate: the good old boys and the powerless (part-time, non-tenured, or academic support staff—often women)].

B. Academic advisers for athletes and assistant coaches go over (if not prepare) the athletes' course list to ensure that they are making satisfactory progress according to NCAA rules (translate: are taking the "right" courses and have not stumbled into real courses).

C. The academic advisers and/or assistant coaches check periodically with the instructors to ensure that each athlete is passing the courses.

D. When the athlete is in trouble, the academic adviser and/or assistant coach engage in special pleading. The instructor is asked what the athlete can do to make up the work, is told everyone hopes the teacher will be sensitive, caring and understanding of the athlete's difficult situation.

E. The instructor complains to friends, family members, and colleagues of the pressure the athletic department is putting on her to pass the athlete.

F. At the end of the semester, the F is an Incomplete or a D-, the D is a C-, or the athlete is granted special permission to withdraw after the date when a student may withdraw from courses.

G. Innocent or angry comments by friends, family members, and colleagues about the pressure the instructor experienced become public.

H. The administration appoints a committee to investigate this serious charge.

I. The instructor denies she was pressured. ("What? She *told* me she was pressured." Relax. The instructor can't admit it. First, to admit it is to admit that she was unprofessional, that she was weak, that she did not stand up to the intimidation. Second, she would be out of a job.)

J. The president announces that the athletic department and the university are vindicated in a "glowing" report and lashes out at "efforts to embarrass" the university.

K. Back to business as usual.

*An example of presidential complicity in the cheating game can be found in the Associated Press report that Florida State University is expected to field a football team missing 35 players at the December 31, 2007 Music City Bowl, some number of whom are part of an investigation into possible cheating.*

*<<http://www.miamiherald.com/600/story/354435.html>>. Florida State's T.K. Wetherell, issued a typical presidential statement downplaying this type of 'getting-caught' circumstance – expressing regret over the situation but also arguing that the number of athletes did not reflect a widespread problem and saying: "The violations focused on a poorly structured online course, lack of attention to detail by a faculty member, and insufficient oversight by the athletic department of one rogue tutor — all coming together to result in a 'contaminated' class."*

*4. Rozner, Barry, "Dough! Mitchell whiffed," *Daily Herald*, December 14, 2007, and "For players, this penalty is the worst," *Daily Herald*, December 16, 2007.*

*5. Gittleman, Sol, "Can Colleges Control the NCAA Beast?" *The Wall Street Journal*, Letter to the Editor, September 24, 2005.*

*6. See "Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process," [http://www.thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary\\_IRS.pdf](http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primary_IRS.pdf)*

*7. Landau, Richard and Philipson, Louis H., "Baseball and Growth Hormones: Big Muscles, Big Bodies, Big Trouble," *The Wall Street Journal*, Letter to the Editor, December 20, 2007; Page A15. The authors go on to say: "Not a single clinical trial has effectively demonstrated that the metabolic effects of growth hormone, even including a temporary increase in lean body mass, have resulted in improved performance. The view of some athletes that a few injections of the hormone might have beneficial effects on sore arms has never been rigorously tested, but is very unlikely to be effective. The risks clearly outweigh the benefits. Our young athletes need to be warned that large muscles are not good muscles, and that these problems are not rare "side effects" but the natural consequence of excess growth hormone, a hormone that affects almost every tissue, not just muscles -- and usually not for the better. Taking any form of growth hormone in the hope of improved athletic performance is misinformed at best, and any mention of this practice should explain why."*

*8. Lewis, Michael C. and Carlisle, Nate, "Broken college system lets drug cheats slip through the cracks: For doper athletes, the chances of getting busted are small," *The Salt Lake Tribune*, November 18, 2007, [http://www.sltrib.com/ci\\_7482021?IADID=Search-www.sltrib.com-www.sltrib.com](http://www.sltrib.com/ci_7482021?IADID=Search-www.sltrib.com-www.sltrib.com)*

# **REFLECTING BACK: Some Recollections on the Inaugural ABET Industry Advisory Council**

**By Frank G. Splitt**

*As published in:*

***A PROUD LEGACY OF QUALITY  
ASSURANCE IN THE PREPARATION  
OF TECHNICAL PROFESSIONALS***

***ABET's 75th Anniversary Retrospective***

*Edited by John W. Prados. Ph.D, P.E.*

**2007**

## PREFACE

This essay was published in *ABET's 75th Anniversary Retrospective: A Proud Legacy of Quality Assurance in the Preparation of Technical Professionals*, Chapter 6, *The Path to Reform, 1989-2000*, pp. 232-235, Edited by John W. Prados, ABET, Inc., Baltimore, MD, 2007.

It was based on previous essays by the author that appeared in the April 2003, April 2005 and November 2006 issues of *THE INTERFACE*, the joint newsletter of the IEEE Education Society and the ASEE Electrical and Computer Engineering Division edited by the late William Sayle, Ph.D.

# **REFLECTING BACK: Some Recollections on the Inaugural ABET Industry Advisory Council by Frank G. Splitt**

## **Background**

It was in 1948 that I graduated from St. Philip High School and began pre-engineering studies at Chicago's Wright Junior College. It was also the year that the life of Aldo Leopold, America's foremost conservationist and environmental scholar, came to a tragic end at the early age of 61. Over the years, Leopold's life story and work came to provide me with renewed inspiration and motivation to keep asking and seeking to answer Leopold's root question, "*How do we live on the land without spoiling it?*" This question was to have a profound impact on my ABET related work

My concern about environmental issues began sometime in 1986 and emanated from work that my wife and I did with the Foundation for Global Community – formerly known as the Beyond War Foundation. It was through the Foundation that I first became aware of the concept of sustainable development and was introduced to the work of Donella Meadows, Jonas Salk, and a new way of thinking – that we are one, and, that individually and collectively, we share the responsibility for the future course of events on the planet. I also came to better understand the challenge before us – to affect an appropriate level of positive change to protect the environment – is of daunting proportions.

## **Engineering Education**

My interest in Engineering Education was kindled sometime in the mid-1980s by Professor Ed Ernst, then an Associate Dean at the University of Illinois and a highly regarded academic leader at ABET – the Accreditation Board for Engineering and Technology. Professor Ernst, a fellow director of the International Engineering Consortium (IEC), played an important role as a mentor and a facilitator within the academic and engineering accreditation communities. With additional encouragement and strong support from IEC Executive Director Bob Janowiak and Deans Bill Schowalter at Illinois and Jerry Cohen at Northwestern, I began to speak and write on the subject of Engineering Education from an industry perspective.

The first venture was in 1986 at the National Communications Forum where my focus was on overspecialization as a problem for engineering education. Environmental issues began to be emphasized in the late 1980s with a call to our engineering students to take a leadership role in policy issues. Over time, I became a strong advocate for restructuring engineering education and worked to catalyze the changes that began to be called for since the early 1980s – not only in the way we educate our engineers, but also, as a member of the ABET Industry Advisory Board, in the criteria we use to accredit our engineering programs.

The IEC published the *Creating Our Common Future* monograph in 1991. The monograph addressed environmental, education, energy and economic issues of the day and saw worldwide dissemination. Among other things, it was used to help provide the context for a high-level path forward for the business and academic sectors of the Information Industry. At the time it was also clear that opportunities to revitalize education and facilitate environmental clean-up and sustainable development would be important drivers. Environmental and educational initiatives were seen to be synergistic and mutually supporting. Engineering Education and ABET now came to the fore. Here's how.

## **The ABET Industry Advisory Council**

During his term as the ABET president, Ed Ernst established the ABET Industry Advisory Council (IAC). It was Ed's view that ABET was in a highly leveraged position to affect change in engineering education. Why?...because he believed that a major restructuring of the accreditation criteria and process would have significant long-range effects. Ed invited me to serve on the board.

We had our first meeting in May of 1991. This was the time when President James Duderstadt of the University of Michigan, President Charles Vest of the Massachusetts Institute of Technology, and others, were calling for a fundamental change in the post-World War II model for Engineering Education that was proving to be inadequate – not

capable of supporting the new emphasis on quality, customer focus, and continuous improvement. They also saw ABET's rigid, "bean-counting" implementation of accreditation criteria as a barrier to needed innovations in Engineering Education. This was also the time when the National Science Foundation was demonstrating increased interest in curricular innovation and would soon initiate a series of workshops on restructuring Engineering Education.

### **Outcomes Approach to the Accreditation Process**

The ABET connection proved to be most rewarding. It provided a platform to implement the ideas described in *Creating Our Common Future*, as well as the concept of systems thinking advocated by MIT's Peter Senge in *The Fifth Discipline*. Most importantly, it provided a venue for a wide-scale introduction of environmental protection and sustainable development imperatives into Engineering Education. The restructuring process was helped considerably by ABET President John Prados, University of Tennessee, who was providing leadership to affect requisite change, and by Deans Jerry Cohen and Bill Schowalter who were providing valuable insights on accreditation practices as viewed by major research universities. As noted in the appended letter, these insights kindled the ABET IAC's thinking on an outcomes approach to the accreditation process.

### **The Impact of Sustainable Development**

It was in the late 1980s that sustainable development came to be recognized as a major issue of our times. Clearly, this issue was going to have a significant impact on Engineering Education. Jim Poirot, the first chairman of the Advisory Board, introduced me to the World Engineering Partnership for Sustainable Development. Together, we worked to promote the idea that sustainable development was going to be the dominant economic, environmental, and social issue of the 21<sup>st</sup> century; and that in addition, a fundamental change in Engineering Education was required to help the next generation of engineers learn to design for sustainable development and long-range competitiveness. This view was reflected in a letter sent to the ABET President Al Kersich in late September of 1993, by ABET IAC Chairman Mike Emery. In the letter we called upon ABET to bring about a major paradigm shift in engineering education. Among other things, the ABET IAC asked that emphasis be placed on teamwork and an interdisciplinary understanding of the societal, ecological, financial, national, and global impacts of engineering. The letter also recommended a set of *Accreditation Process Principles and Concepts & Supporting Strategies* that later helped form the working basis for ABET Engineering Criteria 2000 (ABET EC 2000): Criterion 3 Programs Outcomes and Assessment.

### **CLOSER LOOK: Inaugural ABET Industry Advisory Council**

Presidents Edward W. Ernst (1989-90) and Leslie F. Benmark (1990-91) provided principal leadership for the formation of the Industry Advisory Council (IAC). The membership of the original IAC, which held its first meeting in 1991, included the following individuals, listed with their affiliations at the time:

|  |  |
|--|--|
| Bruce C. Coles, Stone & Webster              | Donald H. Daigle, Exxon Research & Engineering     |
| Mike Emery, E. I. du Pont                    | Lavele Frantz, Phillips Petroleum Company          |
| Eugene D. Jones, Greiner, Inc.               | John Lawson, Deere and Company                     |
| William F. Leonard, Rockwell International   | Paul Low, IBM,                                     |
| Larry Morata, McDonald Douglas Space Systems | Jarold Meyers, Chevron Research and Technology Co. |
| James W. Poirot, Chair, CH2M Hill            | Kenneth Roe. Burns and Roe Enterprises             |
| Joel S. Spira, Lutron Electronics Company    | Frank G. Splitt, Northern Telecom                  |

## The Accreditation Process Principles

The *Accreditation Process Principles* called for the “*understanding of and work toward sustainable development ... safety and environmental impact.*” In the process of balancing specific guidance against flexibility of choice by engineering programs, the wording of the *Accreditation Process Principles* relative to environmental considerations was subsequently generalized. Thus, Criterion 3 did not reflect the emphasis that the ABET IAC *Accreditation Process Principles* placed on these considerations. The ABET IAC also asked that engineering programs seek to provide their graduates with a combination of skills, attributes, and characteristics among which were: “*A holistic approach to achieve solutions to engineering challenges by integrating the elements of general education including human needs, culture, history and tradition, sociology, politics and government, economics and the environment.*” Emphasis on the environment and sustainable development was considered one of the ABET IAC’s more important recommendations. This emphasis was also promulgated in my presentations at ABET and ASEE conferences. Subsequently, a multitude of examples came to illustrate just how important emphasis on sustainable development is to business leaders today.

## Concluding Remarks

Looking back, I understand why ABET’s Criterion on Program Outcomes and Assessment was generalized to the extent that it was. The burden of developing case studies and other mechanisms that enable student learning in the cited areas is exactly where it should be – on the engineering schools. Unfortunately, in my opinion, a significant opportunity for an appropriate level of emphasis and guidance may have been lost in the process of getting to this end objective. However, this emphasis and guidance should, and can, manifest itself in other ways, sometimes, in quite unexpected ways.

Fortunately, as a consequence of a 2000-03 campaign for Systemic Engineering Education Reform (SEER), ABET EC2000 Criterion 3.(c) and (h) were revised as follows. (These changes, denoted by underscore, went into effect in the 2005-06 accreditation cycle.)

(c) an ability to design a system, component, or process to meet desired needs within realistic constraints such as economic, environmental, social, political, ethical, health and safety, manufacturability, and sustainability

(h) the broad education necessary to understand the impact of engineering solutions in a global, economic, environmental, and societal context

As a result, EC2000 now reflects what I believe to be the original intentions of the inaugural ABET Industrial Advisory Council.

## APPENDIX: Letter from Frank Splitt to David Reyes-Guerra

October 21, 1992

Dr. David R. Reyes-Guerra  
Executive Director, Accreditation Board  
For Engineering & Technology  
345 East 47<sup>th</sup> Street  
New York, New York 10017-2397

Subject: Accreditation Practices and Major Research Universities

Dear Dave:

As you suggested at our August ABET/IAC meeting, I discussed the subject with University of Illinois at Urbana-Champaign, Dean Bill Schowalter, and Northwestern University Dean, Jerry Cohen. Both were kind enough to spend time with me and arranged for me to meet with some of their key people as well. A summary of our discussions follows:

Bill and Jerry are well aware of the growing tension between accreditation practices and the positions of major research universities. They also know that the dissension has engaged the attention of several university presidents who happen to be engineers and members of the National Academy of Engineering. Both Bill and Jerry are of the opinion that drastic action on the part of the major research universities would be counter productive in the long run. Furthermore, they believe several substantial changes in ABET practices are required if a serious rupture is to be avoided. These include:

1. The bean-counting perception of ABET evaluations must be dispelled.
2. Individual visitors should be empowered to make subjective judgments. Presumably, the visitors are chosen because of their high stature and credibility. Their high standing should be exploited in the evaluation process.
3. The ultimate measure of success of a program is the success of the alumni. That factor should receive more explicit recognition. What fraction of the students is placed at the time of graduation? What is the record of the alumni five and ten years after graduation? What do alumni surveys say about satisfaction with their education?
4. Experimentation and latitude should be encouraged *within the context* of the institution, its student body, and objectives. It is entirely correct that procedures at MIT should differ from those, at say, Notre Dame, which would again differ from those at Texas A&M, each program being, perhaps, perfectly acceptable for its special environment.

Additionally, Jerry believes that the examiners are often not the leaders in the field they are examining...many times they are from second-level schools. He feels that the latter is probably the fault of the research universities who are not promoting the examiner role. Jerry also believes that we need engineers who graduate ready to be "worker bees," but we especially need engineering leaders. To help the latter, he believes the engineering curriculum needs to be opened up to a broader range of subjects... a move discouraged by present bean-counting practice. Going to a five-year curriculum to do the job will, in Jerry's opinion, kill engineering enrollments. In summarizing his views, Jerry pointed out the fact that, in spite of the recent criticism of our research universities, the educational function especially at the graduate level) is the envy of the world. "Why else would there be so many applications from overseas? Can many of our industries say that? Where will the ideas for the next generation of industries come from if we continue to damage this vital part of our country?"

In closing, let me share some of my thinking with you. First, the accreditation process should be more output (crop) based, rather than input (seed/bean) based. Thoughtful consideration needs to be given to university programs within the overall context of their mission, goals, objectives and tactics (where the beans can be counted with relative ease). This requires judgment by empowered examiners.

Secondly, all teaching and learning need not be done via formal course work. There are other vehicles that can be used to multiplex new content with an in-place program. It is my view that relevant topics such as communication skills, ethics, leadership, TQM, and holistic thinking can be provided by *integration* into the current curriculum and/or *overlaid* with a professional growth seminar program. For elaboration on the integration approach, I commend the October 1992 ASEE/PRISM cover story to your attention.

We can discuss this further in San Antonio if you wish. Please copy others as you deem appropriate.

Warmest personal regards,

Frank G. Splitt  
Vice President, Educational and Environmental Initiatives  
Northern Telecom, Inc.  
Member, ABET/IAC

FGS: gls



**The Drake Group**  
**<http://thedrakegroup.org>**



## **PART 8: 2008**

### **ESSAYS & COMMENTARIES: 2008**

1. A Common Sense Approach to Recruiting Academically Disadvantaged Athletes
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13. The TAO of College Sport Reform
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# Common Sense Approach to Recruiting Academically Disadvantaged Athletes

By Frank G. Splitt

In a recent essay, Allen Sack makes a well thought out case for freshman ineligibility, a 2.0 GPA for eligibility, and five year scholarships – all in a way that might be appealing to teams trying to get a leg up on competing for a national championship.<sup>1</sup> He not only suggests a new, common-sense approach for academically competitive universities to play big-time football without compromising themselves, but an approach that would also demonstrate the adopting school's educational commitment to academically disadvantaged recruits.

Sack proposes that schools with high academic standards use NCAA minimum standards to offer two types of scholarships to athletes who are academically at risk:

Type 1 -- Moderate risk recruits that score at least a 900 on the SATs (or an equivalent ACT score) and graduate from high school with a 3.0 grade point average enter the school's regular program for athletes.

Type 2 -- Greater than moderate risk recruits that fall below the Type-1 academic threshold would be prohibited from participating in football program related activities during their first semester in college and thereafter if they do not achieve at least a 2.0 grade point average.

Sack's approach would allow each university (or conference) to raise the NCAA's freshman eligibility requirement to fit its academic mission and student profile.<sup>2</sup> If Notre Dame is the first adopter, it could make it a national leader in intercollegiate athletics reform.

Why does Sack make sense?

Increased television exposure allows previously lower-level competitors to recruit against traditional football powers. Also, NCAA limits on the number of football scholarships have created greater parity among the big-time football programs each of which is competing for 'food' in the form of talented recruits as they strive to swim in the ocean of money generated by the college sports entertainment businesses. Consequently, there is ever growing pressure to recruit athletically talented students.<sup>3</sup>

A recent *Time Magazine* article provides a troubling sketch of today's college sports programs and their effort to get commitments from ever younger athletes – even down to the 6th grade.<sup>4</sup> It's a shady recruiting game driven by the pressure on coaches and schools to win at any cost in the college sports entertainment business where fame, glory and big money apparently go to the best cheaters (those that cheat, get results, and don't get caught).<sup>5</sup>

In the process of early age recruiting, the importance of studying and learning is easily lost not only among those seeking to cement an athletic path to college at an early age, but also, and worse yet, on their admiring peers – the recipients of a grossly distorted message that puts athletics way above academics on their hierarchy of values.

Also, the pressure to recruit athletically talented but academically disadvantaged students and then deny them a legitimate college education grows by the day as does academic corruption that enables the process. There is a related concern as well – the really dark side of college athletics – recruiting talented but troubled out-of-state athletes that can put campuses and communities at risk.<sup>6</sup>

Although all schools supporting big-time football programs lower their admissions standards for athletes, institutions with relatively high academic standards suffer a competitive disadvantage in that their admissions standards usually far exceed the NCAA's weak freshman eligibility requirements. The NCAA minimalist requirements help promote professional level play by maximizing the talent pool as they simply aim to deny functionally illiterate recruits from competing and receiving athletic aid as freshmen.

Sack's approach would certainly ensure that athletes not only meet the NCAA's Academic Progress Rate (APR) requirements, but get a real education as well. However, there looms a key question: Would Notre Dame or any of the other traditional football powers willfully concede a competitive edge to future opponents in what amounts to a step back from the intercollegiate athletics arms race and the likely forfeiture of lucrative media contracts?

The athletics arms race shows itself not in marked improvement in athletic performance (relative to competitors) but in increased shifting of economic investment from academics and research into servicing the arms race itself via building and support programs for athletics facilities including Athletic Eligibility Centers. However, wasteful though it may be, even a partial withdrawal from the race could lead to losing an opportunity to cash in, or keep cashing in on really big money.

Sack's proposal would make eminently good sense to a rational audience. Unfortunately, the world of big-time college sports is anything but rational. It's a world where money is everything. Who besides NCAA officials, school officials, and other diehard defenders of the status quo, would ever claim that teams of real students are playing big-time college football or men's basketball, let alone taking the field in BCS championship games, or, to the court during March Madness' Final Four?

Perhaps the presidents of colleges and universities who want to gain and maintain high academic standards could be moved to solicit advice from their faculty and others on the place of the value-distorting, sports entertainment business in their schools. They might even go so far as to provide independently verifiable evidence that their recruited athletes are bona fide, degree seeking students. For example, they could publish

aggregated (Buckley-compliant) academic data from cohorts of football and basketball team athletes – providing the names of the faculty (along with the title of the courses and course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time (athletic) job, miss numerous classes, and come dead tired to others.<sup>7</sup>

This would be a breakthrough of historic proportions since getting institutions of higher education to tell the truth – making public information on how they do, or don't, educate athletes has been a long and arduous battle. Since Sack's approach would require courageous and visionary leadership, it is likely to be ignored at most, if not all, schools supporting big-time football and men's basketball programs – most certainly if transparency, accountability, and independent oversight are part and parcel of the program.

However, you never know. Stranger things have happened, but just don't bet on it happening without government intervention.

## NOTES

1. Sack, Allen, "A CROSSROADS FOR THE FIGHTING IRISH (AND THEIR PEERS)," Inside Higher Ed, January 4, 2008, <<http://insidehighered.com/views/2008/01/04/sack>>. This essay is based on the author's comment, "A Common Sense Approach to Recruiting," posted January 8, 2008 at the foregoing URL.
2. According to the NCAA, an athlete with a combined SAT score of 400 — the lowest score possible — can compete and receive athletic aid as a freshman if a high grade point average in high school offsets the low test score.
3. Splitt, Frank G., "Employing Academically Unqualified Athletes," [http://thedrakegroup.org/Splitt\\_Unqualified\\_College\\_Athletes.pdf](http://thedrakegroup.org/Splitt_Unqualified_College_Athletes.pdf)
4. Gregory/Aurora, Sean, "Courting Eighth Graders," *Time Magazine*, Oct. 8, 2007, <http://www.time.com/time/magazine/article/0,9171,1666283,00.html>
5. Splitt, Frank G., "**Going Beyond the Mitchell Report:** Cheating in College Sports via Performance Enhancing Drugs and Academic Corruption, [http://www.thedrakegroup.org/Splitt\\_Mitchell\\_Beyond.pdf](http://www.thedrakegroup.org/Splitt_Mitchell_Beyond.pdf)
6. Dohrmann, George, "Trouble in Paradise," *SI.Com*, Posted August 7, 2007, [http://sportsillustrated.cnn.com/2007/writers/george\\_dohrmann/08/07/trouble.in.paradise0813/index.html](http://sportsillustrated.cnn.com/2007/writers/george_dohrmann/08/07/trouble.in.paradise0813/index.html)
7. Splitt, Frank G., "Truth Telling on Campus," [http://thedrakegroup.org/Splitt\\_Truth\\_Telling\\_on\\_Campus.pdf](http://thedrakegroup.org/Splitt_Truth_Telling_on_Campus.pdf)

# Taxpayer-Supported Jobs for College Athlete-Entertainers<sup>1</sup>

a CLIPS GUEST COMMENTARY

*Our guest author comments on the ongoing confluence of college sports and entertainment.*

*by Frank G. Splitt*

**IN A RECENT** front-page story, Brad Wolverton wrote: "Major-college football players reported spending an average 44.8 hours a week practicing, playing, or training for their sport" – this according to an NCAA survey of 21,000 players.<sup>2</sup>

The survey also found that the majority of these players consider themselves more as athletes than students contradicting NCAA President Myles Brand's claim that "those who participate in our athletics events are students, and students first." If the NCAA and its member institutions have factual evidence to back up President Brand's claim, then they would certainly benefit from voluntary disclosure of this evidence.<sup>3</sup>

The finding also brought to mind Michigan State University College of Law Professors Robert and Amy McCormick's argument that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions should not be viewed as "student-athletes" as the NCAA asserts, but should, instead, be considered "employees" under the National Labor Relations Act.<sup>4</sup>

So what's new?

We live at a time when everyone seems to know about wrongdoing in the world but no one is willing to admit it, let alone do something about it. For the past few decades, government and school officials have known, or should have known, that college athletes have full-time jobs in the college sports entertainment business. Folks who should know better simply "look the other way," are taken in by NCAA spin, or, go along to get along.

If the truth be told, the actual time spent on athletics was likely greater than that reported in the NCAA study. Also, the actual time spent on academics was likely less than reported. In any case, one must ask: Just where and how did the athletes spend time on academics? *Without transparency, accountability, and independent oversight, no one will ever know for sure.*

Unfortunately, it is most likely that these athletes participated in an alternative educational experience that is not part of their school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department.

Michael Crowley provides a fitting metaphor for this alternative educational experience at America's colleges and universities that are driven by big money, prestige, and other incentives to support big-time football and men's basketball programs. Crowley, a senior editor at *The New Republic*, says cheating – to meet the high-stakes testing requirements of the *No Child Left Behind* law – is becoming a problem in K-12 schools across the country ... and that teachers are the culprits.<sup>5</sup>

The academic support centers for college athletes are certainly able to do a much better job of cheating than their K-12 counterparts, aided and abetted as they are by highly respected school officials, the best academic support staffs money can buy, multi-million-dollar facilities, generally apathetic faculty, the NCAA's 24/7 PR operation, and government subsidies via tax breaks to boot.



But why cheat? Simply stated, cheating works. In an era when the demand for blue chip athletes with the qualifications for college-level academics far exceeds availability, cheating enables schools to not only recruit and keep academically disadvantaged athletes eligible to work full time at their jobs as athletic entertainers, but also provide the illusion that these athletes are bona fide students.

As a consequence of the above, America's taxpayers continue to subsidize the business of college sports where, in DIV 1A football and men's basketball, the games are played by professional athletes who are required to pose as students as part of NCAA's 'student-athlete' charade so as to 'justify' the tax-exempt status of the NCAA and their school's athletic program.<sup>6</sup>

Where is the outrage?

January 28, 2008

*This commentary has been posted on Clips on 1-28-08 with the author's permission.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

## NOTES

1. This essay is based on the author's January 15, 2008, comment on Elia Powers' January 14, 2008, Inside Higher Ed report, "NCAA Rundown: News From Nashville," that can be accessed at <http://insidehighered.com/news/2008/01/14/ncaa> . It is also related to "Going Beyond the Mitchell Report: Cheating in College Sports via Performance Enhancing Drugs and Academic Corruption,"

2. Wolverton, Brad, "Athletes' Hours Renew Debate Over College Sports," The Chronicle of Higher Education, p. A1, Jan. 25, 2008.

3. On the other hand, if the NCAA and its member institutions have unfavorable information that they are unwilling to disclose, that refusal should lead the IRS to draw negative conclusions about their management of intercollegiate athletics. More specifically, the conclusion to be drawn is that their athletes are not legitimate students – negating the basis for the tax-exempt status of the NCAA and the athletic programs at its member institutions.

4. McCormick, Robert and Amy, "The Myth of the Student-Athlete: The College Athlete as Employee," 2006 Washington Law Review. Also see "The Student-Athlete: An NCAA False Claim?" [http://thedrakegroup.org/Splitt\\_The\\_Student\\_Athlete.pdf](http://thedrakegroup.org/Splitt_The_Student_Athlete.pdf)

5. Crowley, Michael, "No cheater Left Behind: It started with grade inflation. Now it's Fraud," The Reader's Digest, p. 39-41, January 2008. This article is a natural follow up to the first chapter of Steven Levitt's and Stephen Dubner's 2005 book Freakonomics (Harper Collins). The chapter explores the beauty of incentives as well as their dark side – cheating.

6. Splitt, Frank G., "A Revised IRS Form 990 Can Serve as Occam's Razor for the Core Problem in College Sports," [http://thedrakegroup.org/Splitt\\_Revised\\_IRS\\_Form.pdf](http://thedrakegroup.org/Splitt_Revised_IRS_Form.pdf). "Comments by The Drake Group on the Draft of a Redesignated IRS Form 990," submitted to the IRS on September 12, 2007, were added to the RECENT NEWS section at the bottom of TDG's Home Page (<http://thedrakegroup.org/>).

At this writing, members of Congress appear to have separated what they think is right from what they think will work. As George Stephanopoulos opined: "Judging how the world will judge what you do—how a position will "play"—is an essential political skill. If you can't predict what will work, you can't survive in office." This is especially so in an election year when political realities dictate a focus on more pressing concerns such as the economy and terrorism. In the end, tolerating cheating in college sports via performance-enhancing drugs and academic corruption appears to be preferable to confronting the formidably resourced NCAA and its member institutions.

# Cheating in College Athletics: Presidential Oversight Notwithstanding

By Frank G. Splitt

**BACKGROUND** – In a recent *Inside Higher Ed* article, Elia Powers correctly states: "It's standard practice for a college president's job description to include the phrase 'athletics oversight,'"<sup>1</sup> Also, Jim Duderstadt, President Emeritus and University Professor of Science and Engineering, University of Michigan, is quoted as saying: "Presidents sometimes don't realize how disruptive athletics scandals can be to universities and to their own work; and, the idea of putting athletics oversight in the hands of presidents was supposed to make them more inclined to control the beast, but presidents have largely been unable to stop the enterprise from careering out of control."

**DOWNSIDE OF PRESIDENTIAL OVERSIGHT** – Apparently, no one anticipated the horrific downside to putting athletics oversight in the hands of sitting presidents who are literally caught between the proverbial rock and a hard place—"between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously."<sup>2</sup>

The NCAA hired Dr. Myles Brand, a president out of Indiana University, to serve as its president as well as its academic front man. Brand is the first university president to so serve. The NCAA then went on to appoint like-minded presidents to its Executive Committee.

During his tenure in office, Brand has continued the pattern by appointing NCAA-friendly presidents to his special 'study' committees. Similarly, the Knight Foundation appointed several status-quo-defending presidents to its Commission on Intercollegiate Athletics—facilitating the co-option of this Commission by the NCAA.

The presidents have not only been unable to stop the college sports enterprise from careering out of control, but, on the contrary, have contributed in large measure to building the colossal college sports entertainment business.<sup>3</sup> In so doing they have secured their jobs by keeping their booster trustees as happy donors with tax benefits, legislators as enthusiastic supporters, and, most important of all, cashing in on the ocean of money generated by their sports business.

Considering the benefits, it's easy for an otherwise distinguished college president to give eloquent lip service to athletics oversight and look the other way while his/her school cheats in one way or another to stay competitive, especially so when almost all the other presidents are doing the same. Besides, cheating in college athletics has become part of America's sports culture and who wants to be a spoilsport?

**CHEATING IN COLLEGE ATHLETICS** – Similarities exist between today and the 1960s-1970s era—rendering an insight into why what occurred decades ago, with the widespread use and abuse of recreational drugs, provides a context for what occurs today in big-time college athletics. "Rules and laws aren't always the factors determining behavior in society. Sometimes it's the prevailing culture" says Mike Imren.<sup>4</sup>

Imren also says a stigma wasn't always attached to smoking cigarettes or even drinking and driving. They were simply things people did without thinking. It was simply part of the culture. Now society and sports emphasize the adverse health effects as well as legal consequences of those activities. According to Imren, baseball players believed it was OK to use performance enhancers in the 1980s-2000s because it was ingrained in the culture, saying: "Participants didn't necessarily think it was all right. They just thought it fell into a wink-wink gray area that wasn't all wrong. Some players have been scared straight. Yet many likely continue to try to beat testing and the system."

So too it is with cheating in college athletics that ranges from breaking NCAA rules to the use of performance-enhancing drugs and academic corruption.<sup>5</sup> Everybody cheats to one degree or another; it's ingrained in America's sports culture as is the fine art of casting a blind eye. It's only wrong if you get caught.

**NEED FOR A BRIGHT LINE** – As many of America's colleges and universities have now become dependent on their take of the revenues related to their service as homes for the NFL's and NBA's minor league football and basketball teams, there is a compelling need for a bright line to be drawn between permissible and illegitimate support of big-time football and men's basketball programs at these schools.

such bright line has ever been drawn and enforced. If drawn, it would be subject to considerable downward pressure to lower the bar so as to allow the schools to recruit and keep academically disadvantaged college athletes eligible to play and even graduate from academically shallow "diploma-mill-like" general studies programs.

The latter course of action was made all the easier when Congress made clear last year that it stands firmly alongside the colleges on accreditation matters. The outcome of recent accreditation wars between the U. S. Department of Education (DOE) and the colleges appears to indicate that colleges, rather than the DOE and its approved accrediting agencies, have secured the right to define academic success—giving colleges, the authority to set the terms of their own academic evaluations.

These events take us to another Imren insight: "Education isn't what matters most anymore. Not even winning is. A school would be content with stupid losers if the program still generated enough revenue."<sup>6</sup>

**THE U.S. CONGRESS** – Congress could follow up on previous investigations with a hearing on an unheralded national scandal—cheating in college athletics driven by tax-free money generated by the NCAA's participation in the college sports entertainment business. However, many, if not most, members of Congress consider taking on the NCAA to be political suicide—no matter the long-term harm to our nation resulting from the high-jacking of its education system by this business.

Members of Congress appear to have separated what they think is right from what they think will work. This is an election year when political realities dictate a focus on more pressing concerns such as getting elected/re-elected, the economy and terrorism. In the end, tolerating cheating in college athletics via performance-enhancing drugs and academic corruption appears to be preferable to confronting the formidably resourced NCAA and its member institutions. Maybe so, but still one must wonder—change is in the air.

**CONCLUDING REMARKS** – People who should know better simply look the other way, or are taken in by the NCAA's spin, letting America's taxpayers continue subsidizing the business of college sports played by professional athletes, who must pose as students as part of the NCAA's student-athlete charade. But not all cheaters are created equal. The degrees of cheating and associated rationale are as diverse as are the the schools and the individuals involved—presidents, trustees, athletic directors, boosters, coaches, and faculty.

To whatever degree, as Paul Gallico wrote some seventy years ago: "College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy."<sup>7</sup> Today he would have to give equal billing not only to college basketball, but to all the cheaters in college athletics.

But at what cost is all of this cheating to the educational mission and academic integrity of America's institutions of higher education and to American taxpayers? Obviously, that will be a problem for someone else to face.

February 23, 2008

## NOTES

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3. Splitt, Frank G., "Presidents Flex Their Muscles to Maintain the Status Quo in Big-Time College Sports," [http://thedrakegroup.org/Splitt\\_Presidents\\_Flex\\_Their\\_Muscles.pdf](http://thedrakegroup.org/Splitt_Presidents_Flex_Their_Muscles.pdf)
4. Imrem, Mike, "Steroids can be fuzzy issue for some of us," *The Daily Herald*, February 19, <http://www.dailyherald.com/story/?id=137628>
5. Splitt, Frank G., "Going Beyond the Mitchell Report: Cheating in College Sports via Performance Enhancing Drugs and Academic Corruption," [http://www.thedrakegroup.org/Splitt\\_Mitchell\\_Beyond.pdf](http://www.thedrakegroup.org/Splitt_Mitchell_Beyond.pdf).
6. Imren, Mike, "Blame adults for lawlessness in college sports," *The Daily Herald*, February 10, 2008, <http://www.dailyherald.com/story/?id=132051>.
7. Gallico, Paul, *Farewell to Sport*, Knopf, New York, NY, 1938.

# Congress grills commissioners: A need to do more

a CLIPS GUEST COMMENTARY

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

*By Frank G. Splitt*

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

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

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

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

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

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

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

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

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

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

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

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

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

## NOTES

1. *Associated Press*, "Congress grills commissioners on steroids issue," *The Daily Herald*, Feb. 28, 2008, <http://www.dailyherald.com/story/?id=143644>
2. *The Wall Street Journal* ignored this hearing altogether—but published a story by Evan Perez captioned "Lawmakers Seek Probe of Clemens' Testimony."
3. See "Cheating in College Athletics: Presidential Oversight Notwithstanding," <http://thedrakegroup.org/splittessays.html>
4. Carlisle, Nate, and Lewis, Michael C., "Broken college system lets drug cheats slip through the cracks: For dooper athletes, the chances of getting busted are small," *The Salt Lake Tribune*, Nov. 18, 2008, [http://www.sltrib.com//ci\\_7482021?IADID=Search-www.sltrib.com-www.sltrib.com](http://www.sltrib.com//ci_7482021?IADID=Search-www.sltrib.com-www.sltrib.com)
5. Beyond the physical and emotional damage done to America's youth by the use of steroids and other performance-enhancing drugs, there is the compromise of the academic missions of its institutions of higher education that is rooted in academic corruption.

**Frank G. Splitt** is a former McCormick Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, a Life Fellow of the IEEE, a Senior Director and Fellow of the International Engineering Consortium, a member of the American Association for Engineering Education, and a member of The Drake Group. He was the recipient of the *2006 Robert Maynard Hutchins Award* and the author of "Reclaiming Academic Primacy in Higher Education" and "The Faculty-Driven Movement to Reform Big-Time College Sports." These, as well as his other essays and commentaries on college sports reform are available at URL <http://thedrakegroup.org/splittessays.html>

*Mr. Splitt's commentary was written on 2-29-08 and posted on Clips on 3-1-08, with the author's permission. The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

# College Athletics and Corruption

a CLIPS GUEST COMMENTARY

*Ed.- Our guest author unambiguously states his perception of systemic corruption in college athletics. However, while some see corruption, others see "taking care of business."*

by Frank G. Splitt

*Corruption? .... We have laws against it precisely so we can get away with it. Corruption is our protection. Corruption keeps us safe and warm. Corruption is why you and I are prancing around in here instead of fighting for scraps of meat in the street. Corruption is why we win.*  
— Tim Blake Nelson (playing Danny Dalton) in *Syriana*, screenplay by Stephen Gaghan

**SYSTEMIC CORRUPTION** – The corruption in big-time college athletics is systemic—exhibiting most, if not all, of corruption’s many forms.<sup>1</sup> Not only have college athletics departed from the original amateur concept,<sup>2</sup> but they also see the inducement to wrong by improper or unlawful means<sup>3</sup> as well as the impairment of academic integrity. There are many examples of the latter the most recent of which come from Auburn University and the University of Michigan.<sup>4</sup>

Corruption is driven by big money and is enabled by cozy relationships that have been cultivated over the years by the NCAA and its member institutions with people and organizations that would normally have been expected to reign in corruption and the out-of-control commercialization of college athletics. The Knight Commission on Intercollegiate Athletics, the print and TV media, and members of federal state governments, stand at the top of the list of those long on reform talk but short on decisive action.

**AN OFT REPEATED FICTION** – A recent column in the *Wall Street Journal* addressed the NCAA's efforts to sanction colleges whose teams fail to meet minimum academic standards.<sup>5</sup> It prompted a letter response<sup>6</sup> arguing that national championship programs can be built with legitimate graduation rates close to 100%—an oft repeated fiction. It's what Jon Ericson, a former provost at Drake University, calls the big-lie.<sup>7</sup>

The gist of this fiction is captured in an old riddle that goes something like this: "I have two coins that total 15 cents and one of them is not a nickel". The answer of course is that the other one is a nickel. It's a perfect example of telling a limited amount of truth with the intent to deceive and the effect is a lie. In big-time college athletics it's an art form mastered by the NCAA and the presidents of its member institutions.

It is perhaps coincidental that my related letter<sup>8</sup> was published in the same issue of *The Wall Street Journal* as a commentary by Naomi Schaefer Riley on her interview of Notre Dame President, Fr. John Jenkins.<sup>9</sup> The irony of the situation is evident from a reading this excerpt from Riley’s commentary and excerpts from my letter that follow in the next section:

*Football is a symbol, says Father Jenkins, who dismisses last year's problems as the vicissitudes of winning and losing. The fact that we graduate 99% of our players who stay around for four years – people see that and they think 'Oh, they do it the right way.'*

**CHEATING WORKS** – What most people writing and speaking on the graduation and academic performance rates of college athletes fail to say is that in an era when the demand for blue-chip athletes with the qualifications for college-level academics far exceeds availability, schools resort to academic corruption—in other words, cheating.

Cheating enables schools to not only recruit and keep academically disadvantaged athletes eligible to work full time at their jobs as professional athletic entertainers, but also provide the illusion that these athletes are not only amateurs but bona fide students as well.

One must ask: Just where and how do athletes spend time on academics? With the present absence of transparency, accountability, and independent oversight, no one will ever know for sure. Unfortunately, it is likely that most college athletes participate in an alternative educational experience that is not part of their school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department—graduating with diploma-mill-type degrees in general studies and the like.

Folks who should know better simply "look the other way," are taken in by NCAA spin, simply go along to get along, or, salve their consciences with the rationalization that a degree from their school—with its door-opening potential—makes up for a second-rate education. It has been my long-held hope that big-time Catholic Colleges would lead the way toward truth telling.<sup>10</sup>

The NCAA and its member institutions invest heavily in PR aimed at perpetuating the myth that their graduating athletes were real students. NCAA attorneys and lobbyists work to ensure that the big lie is taken for the truth by the courts and the U. S. Congress.

**PATHETIC GRADUATION RATES** – In a recent column,<sup>11</sup> Dan Wetzel writes: "Down in Florida, Dr. Richard Lapchick rails against the pathetic graduation rates for players who compete in the NCAA tournament – barely more than 50 percent for African Americans, according to his latest study. It's far worse when you consider the players on just the good teams."

It's even worse yet when you consider the fact that the data used by Lapchick comes from the NCAA which gets its data from schools that are highly motivated to cheat.<sup>12</sup>

**HYPOCRISY AND GREED CONTINUE TO PAY OFF** – Hypocrisy and greed know no bounds in college athletics; it's a modern-day form of legalized corruption. As Robert Maynard Hutchins, the fifth president of the University of Chicago, said "everyone cheats." Perhaps greed will always outweigh true wisdom in the higher echelons of colleges and universities supporting big-time football and men's' basketball programs.

So the cash registers at the NCAA and its member institutions will continue ringing up ill-gotten gains and college athletics will continue to preempt academics so long as the federal government continues to look the other way—avoiding a follow-up on the investigative work of the 109th Congress by Senate Finance Committee Chairman Chuck Grassley and House Committee on Ways & Means Chairman Bill Thomas.

**HOPE FOR THE FUTURE** – Senator Grassley, Ranking Minority Member of the Senate Finance Committee, has recently hired Theresa Pattara to replace Dean Zerbe, Grassley's highly regarded senior counsel who spearheaded the scrutiny of nonprofit organizations. Pattara is a former IRS official with a reputation as a tough investigator. The move is a likely signal that Grassley's scrutiny of nonprofit organizations will continue.

We of The Drake Group will continue to support Senator Grassley's look into the justification for the NCAA's tax-exempt status with our aim of making the continuation of the not-for-profit status of the NCAA and its member

institutions contingent on the provision of a meaningful level of transparency, accountability, and oversight—including the disclosure of data on the academic performance of big-time college athletes.<sup>13</sup>

April 20, 2008

**Frank G. Splitt** is a former McCormick Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, a Life Fellow of the IEEE, a Senior Director and Fellow of the International Engineering Consortium, a member of the American Association for Engineering Education, and a member of The Drake Group. He was the recipient of the *2006 Robert Maynard Hutchins Award* and the author of “Reclaiming Academic Primacy in Higher Education” and “The Faculty-Driven Movement to Reform Big-Time College Sports.” These, as well as his other essays and commentaries on college sports reform are available at URL <http://thedrakegroup.org/splittessays.html>

*Ed.-The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

*We would also like to remind our readers that we constantly strive to make College Athletics Clips a **bi-partisan** e-publication (that is, one that articulates both sides of an issue). **Bi-partisan** is quite different from **non-partisan**, in which **neither** side of an issue is articulated.*

*In the above commentary, Frank Splitt of The Drake Group clearly states his viewpoint on the issue of corruption in college athletics. There are surely many readers out there who have a viewpoint quite different from that of Mr. Splitt. We'd love to hear from you. As always, we welcome those with opposing viewpoint to any of our guest commentaries to state their case as well. Please submit your commentaries to: [nick@collegeathleticsclips.com](mailto:nick@collegeathleticsclips.com).*

## NOTES

1. According to the *Merriam-Webster's Collegiate Dictionary*, corruption is the impairment of integrity, virtue, or moral principle, the inducement to wrong by improper or unlawful means (as bribery), and/or the departure from the original or from what is pure and correct.
2. Sack, Allen L., *Counterfeit Amateurs: An Athletes Journey Through the Sixties to the Age of Academic Capitalism*, pp 67-76, Penn State University Press, University Park, PA, 2008. The author tells how the NCAA abandoned its central principle of amateurism in its pursuit of big money in the form of highly commercialized and professionalized big-time college athletics. The Indy Star's Mark Alesia exposed another aspect of the corruption of the mission of college athletics with his March 17, 2008, piece headlined “Some question NCAA's ticket-market ties.” Alesia's article can be found at <http://www.indystar.com/apps/pbcs...0080317/SPORTS/803170365/1247/SPORTS>
3. Yaeger, Don, with Henry, Jim, *Tarnished Heisman: Did Reggie Bush turn his final college season into a six-figure job?*, Pocket Books Division of Simon & Schuster, New York, 10020, 2008. Yaeger exposes the NCAA-prohibited activity in which Bush allegedly engaged, and also shows how the University of Southern California and its coaching staff appeared to have turned a blind eye to the increasingly luxurious life style of their star athlete and his family.
4. Carty, Jim, et al, “ACADEMICS AND ATHLETICS, Ann Arbor News, March 18-21, 2008, [mlive.com/wolverines/academics](http://mlive.com/wolverines/academics). This four-day series covers an investigative project covering potential academic improprieties/compromises involving University of Michigan athletes. The investigation provides a snapshot of the reality of college athletics in America—a reality that is shamelessly defended by the NCAA and otherwise respectable school presidents and their minions. See also “WHEN INDEPENDENT STUDY RAISES RED FLAGS, ”*Inside Higher Ed*, March 18, 2008, <http://insidehighered.com/news/2008/03/18/michigan>. Systemic academic improprieties were also reported at Auburn University with regard to high grades awarded to Auburn athletes in directed readings courses. These independent study courses required no attendance and little work and would have continued unabated if not for the courageous efforts of Dr. James Gundlach, a faculty member, to expose the fraud. Gundlach is the recipient of the *2008 Robert Maynard Hutchins Award* based the courage he demonstrated in exposing academic corruption.



Gundlach joins past recipients who also received the award for exposing academic corruption—Jan Kemp, former faculty member at the University of Georgia, Tiffany Mayne, former academic advisor at Louisiana State University, and Linda Bensel Meyers, former Professor of English at the University of Tennessee.

5. Yost, Mark, "Has Serious Academic Reform of College Athletics Arrived?," *Wall Street Journal*, March 19, 2008
6. Youngerman, Hank, "Champions Who Graduate," *Wall Street Journal*, March 31, 2008.
7. Ericson, Jon, "When the Commonplace is Instructive," The Afterword to "THE FACULTY-DRIVEN MOVEMENT TO REFORM BIG-TIME COLLEGE SPORTS," [http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf)
8. Splitt, Frank G., "You Are Kidding About Athletes and Academics," *Wall Street Journal*, p. A9, April 12-13, 2008.
9. Riley, Naomi Schaefer, "Catholicism, Inc." *The Wall Street Journal*, p A9, April 12-13, 2008
10. Splitt, Frank G. "Truth Telling on Campus: Catholic colleges and universities could lead the way," [http://thedrakegroup.org/Splitt\\_Truth\\_Telling\\_on\\_Campus.pdf](http://thedrakegroup.org/Splitt_Truth_Telling_on_Campus.pdf)
11. Dan Wetzel, "Hypocrisy 101," *Yahoo! Sports*, March 18, 2008, <http://sports.yahoo.com/ncaab/news?slug=dw-academics031808&prov=yhoo&type=lgns>
12. Splitt, Frank G., "THE ACADEMIC PERFORMANCE OF COLLEGE ATHLETES: No Doubt Worse Than Reported," [http://thedrakegroup.org/Splitt\\_Academic\\_Performance\\_of\\_College\\_Athletes.pdf](http://thedrakegroup.org/Splitt_Academic_Performance_of_College_Athletes.pdf)
13. Comments by The Drake Group on the Draft of a Redesigned IRS Form 990, submitted to the IRS on September 12, 2007, [http://thedrakegroup.org/Splitt\\_TDG\\_IRS\\_Commentary\\_091207.pdf](http://thedrakegroup.org/Splitt_TDG_IRS_Commentary_091207.pdf)

# Unrestrained Growth in Facilities for Athletes: Where is the Outrage?

September 17, 2008

By Frank G. Splitt

*"It requires no tabulation of statistics to prove that the young athlete who gives himself up for months, to training under a professional coach for a grueling contest, staged to focus the attention of thousands of people, and upon which many thousands of dollars will be staked, will find no time or energy for serious intellectual effort. The compromises that have to be made to keep such a student in the college and to pass them through to a degree give an air of insincerity to the whole university-college regime."*<sup>1</sup>

—**Henry Smith Pritchett**, Former MIT President (1900-1906) and President of the Carnegie Foundation for the Advancement of Teaching (1906-1930).

**Sol Gittleman, a former provost** at Tufts University, wrote to me with reference to Brad Wolverton's recent article, "Rise in Fancy Academic Centers for Athletes Raises Questions of Fairness,"<sup>2</sup> saying: "This would be a joke, if it weren't for articles that state how public universities are losing out in hiring to the well-heeled privates. So, while faculty flee to the private sector, the public universities build these Xanadus for athletes. Have we lost our minds? Where are the presidents?"

Re: Dr. Gittleman's first question: Have we lost our minds?—Based on the sad state of affairs in America's system of higher education, it would certainly seem so, but there is no way to prove it as yet. However, taking a queue from Henry Pritchett, it requires no tabulation of statistics to prove that America's system of higher education has been reeling under the negative impact of over commercialized college sports. Compromises have to be made and opportunities lost in the quest for fame and fortune.<sup>3</sup>

Gittleman's second question was answered, in large part, by a previous essay.<sup>4</sup> As Jim Duderstadt has said: "University presidents are usually trapped between a rock and a hard place: between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously. It should be clear that few contemporary university presidents have the capacity, the will, or the appetite to lead a true reform movement in college sports."<sup>5</sup>

A related excerpt from Clara Lovett's commentary on my first essay on college sports reform provides still another perspective.<sup>6</sup> "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."

**To be sure, all of this is not new.** Most presidents have long gone along to get along—a sad story chronicled in the Carnegie Foundation's 1929 report. In most cases, if you want to remain, or be hired, as the president of a school that supports big-time—and oftentimes lesser—college athletics programs, you do not advocate meaningful reform that could possibly restrain the growth of athletic facilities. You overlook enabling academic corruption, or, as Henry Pritchett politely put it: "insincerity." Using the recent academic corruption at the University of Michigan as a case in point, Jon Ericson provides an insight into how university presidents work to explain the unexplainable via evasion, rationalization, and denial.<sup>7</sup>

Where are the presidents? You can find many of them sitting on NCAA and Knight Commission Committees that effectively do nothing but protect their vested commercial interests (money)—blocking significant reform while providing the illusion of such reform.

This modus operandi allows the president to enjoy the stimulating pageantry and fund-raising opportunities associated with college athletics, the pomp and circumstance surrounding the president's office, as well as being on good terms with governing board and alumni boosters and, most important of all, job security.

Presidents have bigger things to worry about than faculty flight—like stadiums, arenas, and top-drawer physical training and academic eligibility centers for their so-called student-athletes, i.e., academically disadvantaged athletes who must pretend to be serious students as part of the college sports tax scam.<sup>8</sup>

Further to the above, John V. Lombardi, President, Louisiana State University System and former Chancellor at the University of Massachusetts Amherst, presented the first of many countermeasures in defense of the status quo in college athletics—arguing in opposition to the Revised IRS Form 990 (stimulated by Senator Grassley and the Senate Finance Committee) that can help force the NCAA and its member institutions to tell the truth about their sports entertainment business.<sup>9</sup> It appears that since taking over the presidency of the LSU System, Dr. Lombardi has not only become an ardent apologist for the status quo in college athletics, but a staunch advocate of the student-athlete, amateur myth as well.<sup>10</sup>

**It is ironic** that current federal tax policy forces parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, 'stadium wars,' tax breaks for wealthy boosters, NFL and NBA minor league teams, and other artifacts of the big-time college sports arms race. Sadly, small colleges have also joined the college sports frenzy.<sup>11</sup> Meanwhile, the NCAA works to further its financial interests and thwart any and all serious reform efforts—especially those that could expose their 'student-athlete' ruse or possibly reduce their revenues.

Apparently, what may be the object of concern by the tax-exempt organizations in the college-sports entertainment business is the set of recommendations submitted to the IRS by The Drake Group. These recommendations would go a long way toward reclaiming academic primacy in higher education—doing that which presidents, governing boards, faculty, the NCAA, the Knight Commission, and others have failed to do for a variety of reasons.<sup>12</sup>

So what can be made of all of this? Facilities for athletes will continue to grow unabated in the absence of restraining federal intervention requiring a substantial increase in transparency, accountability and oversight, at the NCAA and the athletic programs at their member institutions. Where is the outrage?

## AFTERWORD

**The foregoing essay was posted at *College Athletics Clips* as a *Guest Commentary* on August 24, 2008. Shortly thereafter, the co-chairs of the Knight Commission on Intercollegiate Athletics, published a revealing article.<sup>13</sup> The article clearly demonstrated there is no end to the means by which the NCAA and the NCAA co-opted Knight Commission will go to defend the NCAA's big-money turf and the student-athlete myth in collegiate athletics.**

The authors write: "These online fantasy leagues, which use the real names and statistics of collegiate athletes, raise a crucial question for higher education leaders: Is it amateurism in college sports that has become a fantasy?" A 'yes' answer to their question has long been apparent to all who are concerned about the integrity of collegiate athletics and are working to bring about transparency, accountability, and independent oversight to the college sports entertainment business.

The subtitle of the Knight Commissioner's article read: "NCAA rules are clear: college athletes are amateurs and should not be part of these new business enterprises." Unfortunately, NCAA rules do not amateurs make, at least not in the NCAA's big time programs as well as in many of their lesser programs. In his recent book Allen Sack tells how the NCAA abandoned its central principle of amateurism in its pursuit of big money in the form of highly commercialized and professionalized big-time college athletics.<sup>14</sup>

**The NCAA's bedrock amateurism principles of many years ago**—which required colleges and their business partners to treat athletes like other students and not as commodities—were undermined by unrestrained commercialism and related academic corruption. Since it was founded in 1989, the Knight Commission, which consists of university presidents and trustees and former college athletes, has strongly advocated policies that protect college athletes from commercial exploitation *except by the NCAA and the colleges themselves*.<sup>15</sup> The CBS Sports' Fantasy College Football enterprise (that the Knight Commission co-chairs berated in their article) is simply following the lead of the college's commercial exploitation of their athletes.

**Kudos must go to Mark Alesia and the *IndyStar*** for their special report on 'special admits' at 55 colleges and universities.<sup>16</sup> Special admits include athletes and others who are admitted under exceptions to normal standards to provide schools with special talents. These admits were found to be predominantly athletes the schools need to field winning (at least competitive) teams—notwithstanding the athletes marginal academic qualifications. The latter coupled with the athlete's lack of time for serious academics requires the building of what Sol Gittleman called Xanadus for athletes. If they do nothing else, these elaborate facilities indicate how far schools are willing to go to perpetuate the amateurism and student-athlete myths in collegiate athletics.

**A careful reading of this essay** and the referenced material should leave little doubt as to the fraudulent, tax-avoiding nature of big-time collegiate athletics, especially in the NCAA's football and men's basketball programs—fronted by compliant, see-no-evil school presidents and highly compensated NCAA executives.<sup>17</sup>

Again, as Henry Smith Pritchett said some 80 years ago: "*The compromises that have to be made to keep such a student in the college and to pass them through to a degree give an air of insincerity to the whole university-college regime.*" To say the least, all of this does not bode well for the future of higher education in America.

Apparently, America's sports culture has triumphed over the academic mission of its colleges and universities while the educational mission of our high schools is being undermined as well. The athletic tail will continue to wag the academic dog so long as our colleges and universities are prostituted by the college sports entertainment industry. Unless Congress gets involved, America's system of higher education will continue to be held hostage to the sports entertainment industry.

To be more specific, a slow but sure decline in America's educational system is inevitable unless and until the Congress can restrain the growth of the 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,"—demanding measures of transparency, accountability, and oversight that are adequate to this task.

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## NOTES

1. Savage, Howard J. et al, "American College Athletics," Carnegie Foundation for the Advancement of Teaching Bulletin Number Twenty-three, New York, 1929. The Pritchett quote comes from the Preface of this document.
2. Wolverton, Brad, "Rise in Fancy Academic Centers for Athletes Raises Questions of Fairness," *The Chronicle of Higher Education*, p.A14, August 14, 2008. It is of interest to note that Dr. Gittleman was the author of a letter, "Can Colleges Control the NCAA Beast?" *The Wall Street Journal*, Sept. 24, 2005, in which he famously opined "A Robert Hutchins comes only once in a lifetime"—referring to Robert Maynard Hutchins, president of the University of Chicago, who abolished football at the University of Chicago in 1939, saying: "To be successful, one must cheat. Everyone is cheating, and I refuse to cheat."
3. Splitt, Frank G. "Sports in America 2007: Facing Up to Global Realities" [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America\\_2007.pdf](http://thedrakegroup.org/Splitt_Sports_in_America_2007.pdf). See also, Fairclough, Gordon, "In China, Jocks Don't Rule School; But the Smart Kids, They're Cool," *The Wall Street Journal*, p.A10, August 19, 2008 and Murphy, Cullen, *Are We Rome?: The Fall of an Empire and the Fate of America*, Houghton Mifflin, New York, NY, 2007.
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7. Ericson, Jon, "Professors need courage to deal with athletics/academics," *Ann Arbor News*, May 15, 2008.
8. Splitt, Frank G., "The College Sports Tax Scam Revisited," [http://thedrakegroup.org/Splitt\\_Tax\\_Scam\\_Revisited.pdf](http://thedrakegroup.org/Splitt_Tax_Scam_Revisited.pdf)
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# College Sports Reform: Could Come Sooner Rather Than Later

a CLIPS GUEST COMMENTARY

*Our guest author conjectures about college athletics reform under the pall of the gloomy headlines about America's financial crisis and potential action from the Senate Finance Committee.*

By Frank G. Splitt, The Drake Group, 9-27-08

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Ed.—We would like to remind our readers that we constantly strive to make College Athletics Clips a bi-partisan e-publication (that is, one that articulates **both** sides of an issue). Bi-partisan is quite different from **non**-partisan, in which **neither** side of an issue is articulated. In the commentary below, Frank Splitt of The Drake Group clearly states his viewpoint on college athletics reform. There are surely many readers out there who have a viewpoint quite different from that of Mr. Splitt. We'd love to hear from you. As always, we welcome those with opposing viewpoint to any of our guest commentaries to state their case as well. Please submit your commentaries to: [nick@collegeathleticsclips.com](mailto:nick@collegeathleticsclips.com)

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*College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy. There are occasionally abortive attempts to turn football into an Honest woman, but to date, the fine old game that interests and entertains literally millions of people has managed to withstand these insidious attacks.*

—Paul Gallico, *Farewell to Sport*, 1938

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**BACKGROUND**—Recent communications with the Senate Finance Committee by the author and Kadence Otto, Executive Director of The Drake Group, triggered an AFTERWORD to a previous essay.<sup>1</sup> The subtext of that essay was the apparent triumph of America's sports culture over the academic mission of its colleges and universities as well as to the undermining of the educational mission of our nation's high schools, and, that unless and until Congress gets involved, America's system of higher education will continue to be held hostage to the collegiate sports entertainment industry.

There has been a growing sense of frustration and disappointment stemming from the lack of responsiveness from the U.S. Congress re: a bipartisan follow up on the effort of Bill Thomas (R-CA), the 2006 House Ways and Means Committee Chairman, to have the NCAA provide justification for its tax-exempt status, and especially to the effort of Senator Chuck Grassley (R-IA), the former Chairman and now Ranking Minority Member of the Senate Finance Committee, to significantly improve the transparency, accountability, and oversight of the operations of the NCAA and the athletic programs at its member institutions.<sup>2</sup>

When read in the light of the gloomy headlines about America's financial crisis,<sup>3</sup> my essay, "Sports in America 2007,"<sup>4</sup> should prove most illuminating in this regard. Professional sporting events sponsored by the NFL, the NBA, and America's colleges and universities, will no doubt serve as convenient distractions from our nation's economic woes, channeling the attention of the public elsewhere.

A thoughtful reading of the referenced material<sup>1-5</sup> should leave little doubt as to the fraudulent, tax-avoiding nature of big-time collegiate athletics, especially in the NCAA's big-time football and men's basketball programs.

**OBSERVATIONS**—Given the above background, there follows some troubling observations for the reader's consideration:

1. *The sports-crazed American public values sports entertainment over STEMS* – The American public appears to value exciting sports entertainment over the (sometimes) boring, hard work entailed by science, technology, engineering and mathematics (STEMS). As important as calling attention to the latter may be, it will be difficult to change the way American's want to live. It's part of our national culture.

2. *America's colleges and universities are deteriorating* – After a little more than five years of following the machinations of the collegiate sports entertainment industry with its professionalized athletes, it has become abundantly clear that, with but few exceptions, America's colleges and universities are in the process of deteriorating while on their government subsidized quest for sports related revenues—abandoning their souls,

compromising their integrity, and warping their academic missions. There are no visible means to reverse what appears to be a downward spiral into a pervasive 'beer and circus' modus operandi at many of America's colleges and universities—described in consummate detail by Murray Sperber.<sup>6</sup> To the best of my knowledge, this scenario and its long-term, deleterious consequences are either invisible to, or ignored by, those in the highest circles of the U.S. Government—including the U.S. Department of Education.

3. *The NCAA and school presidents provide cover* – The NCAA's big-time football and men's basketball programs are fronted by a former university president who now heads the NCAA and sitting, see-no-evil school presidents, many of whom have been forced to be compliant—by their governing boards and/or wealthy boosters—shamelessly prostituting themselves and their schools for fame and fortune while working with highly compensated NCAA executives to fashion a facade of respectability for their collegiate sports entertainment business.

4. *The collegiate sports entertainment industry is intertwined with government bodies* – For all intents and purposes, the collegiate sports entertainment industry is intertwined with government bodies (both state and federal)—receiving government subsidies in the form of favorable tax policies as it works to harvest a vast, lucrative market fueled by an almost insatiable public appetite for the pleasures of 24/7 sports entertainment. Lies, corruption, and fraud abound—deceit and deception are ostensibly O.K. not only because everybody does it, but also because there is no effective oversight and enforcement by any government body whatsoever.

5. *Breaking through the veil of hypocrisy and lies cloaking collegiate athletics is difficult* – The idea that Congress will break through the veil of hypocrisy and lies cloaking collegiate athletics—by requiring significant measures of transparency, accountability, and independent oversight from the NCAA and its member schools—seems to be as elusive and difficult as ever. Past experience would tell us this idea is a dream that does not fit the American way of life. Alexander Solzhenitsyn (1919-2008), a Nobel Prize-winning author and one of the world's greatest renouncers of lies, found that struggling against falsehood is not fashionable, saying: "We have already taken refuge in the crevices. Let's be honest and say: 'I am in the herd, and a coward. It's all the same to me so long as I am fed and warm.'"

6. *There is no effective leadership for meaningful reform in collegiate athletics* – For reasons discussed in my essays and commentaries over the past five years,<sup>7</sup> meaningful reform in collegiate athletics will certainly not be led by the NCAA, or athletic conferences, or the Knight Commission, or college/university presidents and their governing boards, or the U.S. Department of Education, or state/regional accreditation boards. Faculty-based, reform-minded organizations such as the The Drake Group and the Coalition on Intercollegiate Athletics (COIA) can help lead the way, but simply do not have the wherewithal to confront the collegiate sports entertainment industry by themselves, more specifically without the help of the U.S. Congress.

**SUMMARY AND CONCLUSION**—The present state of college sports reform can be summed up as follows: The over 80-year history of college sports reform tells us that no matter how compelling the arguments for the institution of corrective measures, market and political realities dictate that nothing of consequence will be done for a variety of reasons, none the least of which are the facts that there is an abundance of corrupting, tax-free money and related benefits at stake; and, members of Congress—like sitting school presidents—want to keep their jobs, so look the other way as they will likely not be able to withstand constituent pressure to defend their state's right to winning teams no matter what it takes.

Consequently, a slow but sure decline in America's educational system would be inevitable unless and until the Congress can restrain the growth of the 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,"—demanding measures of transparency, accountability, and oversight that are adequate to this task.

Under normal circumstances, it is most likely that Senator Grassley's congressional colleagues would simply continue to ignore the issue—leaving him to stand alone in his effort to have the NCAA provide justification for its tax-exempt status. Then there would be little, if any, hope for meaningful reform, no matter how corrupt, fraudulent, and debilitating the operations of the collegiate sports industry continue to be. Under these circumstances, I would not see reform coming anytime soon, *if ever*.

In spite of this pessimistic view, all is not lost, for these are definitely not normal times. The epic, present-day financial crisis coupled with the rise of intense global competition may serve as a loud and compelling wake-up call for Americans at all levels to rise above their obsession with sports entertainment—coming to understand that the continuation of this obsession would not bode well for the future of higher education in America as well as for America's leadership role on the world stage. This understanding could pave the way for America's colleges and universities to reprioritize their values—making capital and human resource investments that place academics above athletics.<sup>8</sup>

The persistent efforts of Senator Grassley and reform-minded faculty groups such as The Drake Group and the Coalition for Intercollegiate Athletics could help catalyze a process whereby college sports reform would come sooner rather than later. Only time will tell.

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## College Sports Reform: Present status and future direction

This October 17, 2008, CLIPS GUEST COMMENTARY by Frank G. Splitt, with a Commentary by Amy and Robert McCormick, Michigan State University School of Law, can be accessed at [https://drakegroupblog.files.wordpress.com/2013/01/splitt\\_reform\\_present\\_and\\_future.pdf](https://drakegroupblog.files.wordpress.com/2013/01/splitt_reform_present_and_future.pdf)

### A Trojan Horse Assault on the Ivory Tower

By Frank G. Splitt

To be sure the financial crisis and turmoil on Wall Street, along with seized-up credit markets, shrinking endowments, and reductions in state funding, are literally shaking the financial foundation of higher education—described by Craig Karmin and John Hechinger in "Crisis Shakes the Foundations of the Ivory Tower," [*The Wall Street Journal*, p. A9, Oct. 17, 2008].

Not mentioned in the Karmin-Hechinger article is still another assault on this foundation—a stealthy byproduct of big-time college athletics programs. This Trojan-Horse-like assault comes in the form of debt incurred via enormous investments in football stadiums, basketball arenas, and academic (eligibility) centers for their athletes, all of which are part of the runaway athletic-facilities arms race.

With but few exceptions, America's colleges and universities are in the process of deteriorating while on their government subsidized quest for sports related revenue 'gifts' —compromising their integrity and warping their academic missions along the way.

There are no visible means to reverse what appears to be a downward spiral into a pervasive 'beer and circus' modus operandi at many of these schools. This scenario and its long-term, potentially catastrophic, consequences are either invisible to, or ignored by, the general public as well as those in the highest circles of the US Government.

Senator Charles Grassley (R-IA) once said: "Big money, tax free, and no oversight have created a cesspool in too many cases." So, just who besides Senator Grassley understands the problem and is going to help address the related threat to the promise of higher education for the youth of America as well as squelch the corruptive influence of the college sports entertainment business on America's system of higher education?

*October 23, 2008*

**NOTE:** Comment was posted on 10/24/08 in response to the Karmin-Hechinger article at [http://online.wsj.com/article/SB122420679058043423.html#articleTabs\\_comments%26articleTabs%3Dcomments](http://online.wsj.com/article/SB122420679058043423.html#articleTabs_comments%26articleTabs%3Dcomments). It also appeared as a supplementary comment following the October 24, 2008 summary of the Karmin-Hechinger article on *College Athletic Clips*.

## Dancing Partners: The NCAA and the Knight Commission

David Mortz's report<sup>1</sup> covering the most recent meeting of the Knight Commission on Intercollegiate Athletics (KCIA) as well as the KCIA's press release on the meeting<sup>2</sup> was foreshadowed by an earlier opinion piece by **William E. Kirwan, and R. Gerald Turner**, the KCIA's co-chairs.<sup>3</sup>

It seems that there is no end to the means to which the NCAA and the KCIA will go to defend the NCAA's big-money turf and the status quo in collegiate athletics. The Kirwan-Turner opinion piece had a clear ring to it—prompting a question: Isn't the pot calling the kettle black?

The authors write:

These online fantasy leagues, which use the real names and statistics of collegiate athletes, raise a crucial question for higher education leaders: Is it amateurism in college sports that has become a fantasy?

A resounding YES answer to this question has long been apparent to all who are concerned about the integrity of collegiate athletics and are working to bring about transparency, accountability, and independent oversight to the college sports entertainment business.

The subtitle of the Kirwan-Turner opinion piece read: "NCAA rules are clear: college athletes are amateurs and should not be part of these new business enterprises." Unfortunately, NCAA rules do not amateurs make, at least not in the NCAA's big time programs as well as in many of their lesser programs.

To that point, in a recent article, Amy and Robert McCormick expose a theme common to three areas of law, labor, antitrust, and tax.<sup>4</sup>—showing that each of these areas of law distinguishes between commercial and amateur activities, regulating the former and exempting the latter. Under the assumption that major college sports are amateur, these laws have exempted college athletics from regulation, providing them unwarranted shelter. The McCormicks challenge this amateur assumption by examining the deeply commercial nature of major college sports—calling for the laws' application to them. Also see Sack<sup>5</sup> and Splitt<sup>6</sup> for more on the NCAA's tenuous, if not false, claim concerning the amateur status of college athletes.

The NCAA's bedrock amateurism principles of many years ago—which required colleges and their business partners to treat athletes like other students and not as commodities—were undermined by unrestrained commercialism and related academic corruption.<sup>7, 8</sup>

Since it was founded in 1989, the KCIA has strongly advocated policies that protect college athletes from commercial exploitation *except by the colleges themselves*.

Nowhere was this failing more apparent than at the KCIA's last meeting. The press release, headlined "Knight Commission Criticizes Commercialization of College Athletes in Fantasy Sports," says all. The CBS Sports' Fantasy College Football enterprise is simply following the lead of the college's much more extensive commercial exploitation of their athletes.

Concerning financial matters, KCIA Co-chair Kirwan said:

It's clear that college sports have a spending problem that must be addressed. In the aggregate, athletics spending continues to escalate while instructional spending has remained stagnant and has even decreased at many institutions. The current economic climate and the needs of our universities require a change in this imbalance.<sup>2</sup>

So, when the Commission continues its year-long examination of financial issues this coming January, the commissioners would do well to heed the words of the Chancellor Emeritus of the University of Hawaii-Hilo, Edward J. Kormondy, who said:

The lavish centers that are intended to help players maintain their eligibility are the height of ludicrousness and demonstrate, disgustingly, the commercialization of sports and the inability of the National Collegiate Athletic Association to muster up the muscle to step in. The really sad part is the

neglect of the 90-plus percent of students who are not athletes—many of them need to maintain their eligibility to graduate, too.<sup>9</sup>

For all intents and purposes, the prestigious Knight Commission continues to partner with the NCAA—abandoning its watchdog role as it dances with its partner around the margins of the real problems with big-time college athletics while creating the illusion it is serious about meaningful reform.<sup>10</sup>

Since the KCIA's next meeting will commemorate the 20th anniversary of the KCIA's founding, it would be most appropriate if the Commissioners would give thoughtful consideration to:

1. What Creed Black, president of the John S. and James L. Knight Foundation from 1988 to 1997 and the founder of KCIA, intended them to be about—as reflected in the leadership of the KCIA's first co-chairs, William C. Friday and the Reverend Theodore M. Hesburgh, CSC, who were on a clear mission—putting pressure on the NCAA to clean up its own act before Congress stepped in to do it for them.
2. The impression that rather than working for true athletic reform, the KCIA is allowing itself to be used to further the NCAA's own vested, money-making, commercial interests;
3. Endorsing The Drake Group's effort to have the U. S. Congress require the NCAA and its member schools 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—as well as require measures of transparency, accountability, and oversight that are adequate to this task.

Now that could make for a meaningful meeting and the possibility that the KCIA will evolve a call to action aimed at restoring its credibility.

Frank G. Splitt

November 6, 2008

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# Time for accountability in sports

## ***Corrupt collegiate athletics overshadow faltering academic mission***

*National Catholic Reporter* publication date: November 14, 2008

Section: S. Special Section *Catholic Colleges & Universities – Viewpoint*

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By FRANK G. SPLITT



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As evidenced by the plethora of scholarly articles and books on college sports reform, there can be little doubt as to the disingenuous, tax-avoiding nature of bigtime collegiate athletics -- especially in the football and men's basketball programs franchised by the National Collegiate Athletics Association. Unless Congress gets involved, America's system of higher education will continue to be held hostage to the professionalized collegiate sports entertainment industry. Sadly, this system includes many of our Catholic schools, which, rather than being leaders in college sports reform, have been willful participants in this money-focused, win-at-any-cost industry.

There has been a growing sense of frustration among reform-minded faculty over the lack of bipartisan follow-up in Congress on the strong effort of retired Rep. Bill Thomas, R-Calif., the 109th Congress' House Ways and Means Committee chairman, to have the NCAA provide justification for its tax-exempt status. Also contributing to this sense of frustration are the political obstacles faced by Sen. Charles Grassley, R-Iowa, past chairman and now ranking member of the Senate Finance Committee, in his effort to significantly improve the transparency, accountability and oversight of the NCAA's operations. It was Grassley who once said: "Big money, tax-free and no oversight have created a cesspool in too many cases."

### **Perhaps the time has come**

However, today's financial crisis could very well precipitate a dramatic shift away from the federal government's laissez-faire "oversight" of America's financial system and business enterprises. The turmoil on Wall Street, along with seized-up credit markets, shrinking endowments and reductions in state funding, is shaking the financial foundation of higher education.

Adding to the problem is a stealthy byproduct of bigtime college athletics programs that comes in the form of debt incurred via enormous investments in football stadiums, basketball arenas and academic centers for athletes, all of which are part of the runaway athletic-facilities arms race.

There are striking parallels between the uncontrolled, greed-driven, anything-goes operations and excesses on Wall Street, with its misrepresentation of material assets in the form of disadvantaged financial instruments, and those in the NCAA's college sports business, with its misrepresentation of material assets in the form of disadvantaged academic instruments -- so-called student-athletes. In articles exploring the roots of America's financial crisis, there has been a mantra-like repetition of *transparency, accountability, oversight* as a path to help ensure business integrity. This could very well mean more intense scrutiny and rule-setting to curb excessive commercialization and corruption in college sports.

In the near term, sporting events sponsored by the NCAA will serve as convenient distractions -- diverting the public's attention from our nation's economic woes. In the long term, congressional scrutiny of the tax-exempt status of the NCAA and its franchisees could explode the student-athlete myth and thus have a negative impact on the professional level of play in their bigtime athletic programs -- forcing the NBA and the NFL to operate their own minor leagues.



With few exceptions, America's colleges and universities are deteriorating while on a government-subsidized quest for sports-related revenues -- abandoning their souls, compromising their integrity and warping their academic missions. Unfortunately, there are no visible means to reverse what appears to be a downward spiral into a pervasive beer-and-circus modus operandi at these institutions. This scenario and its potentially catastrophic consequences are either invisible to or ignored by the general public as well as those in the highest circles of the U.S. government.

There is little public outrage over drugs and corruption in college sports -- likely a combination of public apathy and the superb job done by NCAA public relations. In the end, tolerating cheating in college sports via performance-enhancing drugs and academic corruption appears to be preferable to confronting the formidably resourced NCAA and its member institutions. As Stephen Ross, chairman of Penn State's Sports Law Institute, has put it: "Congress only cares if the people they talk to care." So, if their constituents aren't complaining, they aren't either.

Meaningful reform in collegiate athletics will certainly not be led by those with a vested interest in the status quo: the NCAA, college and university presidents, governing boards, coaches, and athletic conferences. Similarly, experience indicates that the Knight Commission on Intercollegiate Athletics and the U.S. Department of Education, as well as state/regional accreditation boards, are not up to the task. Faculty-based, reform-minded organizations such as the the Drake Group and the Coalition on Intercollegiate Athletics can help lead the way, but simply do not have the wherewithal to confront the collegiate sports entertainment industry by themselves, without the help of Congress.

### **The tax-exempt purpose**

The history of college sports reform tells us that no matter how compelling the arguments for corrective measures, market and political realities dictate that nothing of consequence will be done for a variety of reasons, not the least of which are an abundance of corrupting, tax-free money and related benefits at stake. Also, members of Congress -- like sitting school presidents -- want to keep their jobs, and so look the other way, separating what they think is right from what they think will work.

Consequently, the slow but sure decline of America's educational system will continue, unless and until 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" -- demanding 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.

Under normal circumstances, it is most likely that Grassley's congressional colleagues would simply continue to ignore the issue -- leaving him to stand alone in his effort to have the NCAA justify its tax-exempt status. Under this circumstance, reform would not come anytime soon, if ever, no matter how corrupt, disingenuous and debilitating the operations of the collegiate sports industry continue to be.

### **Reform not dead**

In spite of this pessimistic view, reform is not dead, for these are definitely not normal times. Today's epic financial crisis coupled with the rise of intense global competition may serve as a loud and compelling wake-up call for Americans at all levels to rise above their obsession with professional-level college sports entertainment -- coming to understand that the continuation of this obsession would not bode well for the future of higher education in America as well as for America's stature on the world stage. This understanding could pave the way for America's colleges and universities to reprioritize their values -- making capital and human resource investments that place academics well above athletics.

The persistent efforts of Sen. Grassley and reform-minded faculty organizations such as the Drake Group and the Coalition for Intercollegiate Athletics could help catalyze a process whereby college sports reform would come sooner rather than later. Only time will tell if Congress and the American public hear and respond to the wake-up call. We can only hope it will be Catholic colleges and universities that lead the way.

# Best Remedy for the College Sports Mess: Transparency, Accountability, and Oversight

a CLIPS GUEST COMMENTARY

*Our guest author marks his 5th anniversary of college athletics reform advocacy to reinforce the Drake Group's call for significant improvement in the transparency, accountability, and independent oversight of college athletics.*

By Frank G. Splitt, The Drake Group

Posted: November 21, 2008

**BACKGROUND** – December 2, 2008, will mark five years since my memorable and inspiring meeting with University of Notre Dame President Emeritus, Fr. Ted Hesburgh, former co-chair (with Bill Friday) of the Knight Commission and author of the Foreword to my (then) soon to be published first essay on college sports reform.<sup>2</sup>

Taken together, this essay and my *NCR VIEWPOINT*, “Time for accountability in sports,”<sup>3</sup> and can be considered as a 'five-year-anniversary' commemorative—reflecting an effort to:

- a) Capture the sad state of affairs in college sports reform where, after some 80 years of failed reform, it appears that America's sports culture has triumphed over the academic mission of its colleges and universities as well as worked to undermine the educational mission of its high schools;
- b) But still hold out hope for the future ... a hope keyed to Senator Charles Grassley's resolve to continue to follow up on the 2006 effort of the House Ways and Means Committee to have the NCAA provide justification for its tax-exempt status.

On one hand, the truth-telling *VIEWPOINT* is not what NCAA officials, school presidents and their governing boards, sports fans, boosters, and most elected officials, really want to see in print.

On the other hand, it is expected that the piece will help generate additional traction for The Drake Group's Congressional Initiative that stresses the need for transparency, accountability, and oversight of NCAA operations.

**A PERILOUS SITUATION** – The long-term, potentially catastrophic impact of the over commercialization of college sports—with its tremendous opportunity costs and its related cheating as well as academic corruption—on not only America's colleges and universities, but also on its ability to compete in the new global economy has created a perilous situation. The gravity of the situation is either invisible to, or ignored by those in the highest circles of the U.S. Government. Senator Charles Grassley (R-IA) and Rep. Jan Schakowsky (D-IL, 9th Dist.) appear to be to be exceptions to this general rule.

The NCAA's continued success at professionalizing big-time college athletics, while thwarting serious reform puts academic corruption and cheating on par with prostitution, illegal gambling, and speeding violations as acceptable forms of social misconduct in America— it's OK so long as you don't get caught. The recent academic scandals at Auburn University, the University of Arizona, and the University of Michigan are cases in point.

As Bruce Svare has noted: “All too often, athletes cluster in majors that are known to have easy (or no) significant requirements. Much of their course work is phony, consisting of a "hidden" curriculum that is masked by grade inflation, numerous grade changes, extra credit, excessive independent-study courses, and the waiver of deadlines for dropping and adding of courses.”<sup>4</sup> Thanks to *USA Today*, the general public is finding out what goes

on behind the veil of secrecy that shrouds the academic shenanigans in college sports.<sup>5-6</sup> Unfortunately, academic corruption and cheating has the power to destroy the integrity of one of our nation's most precious resources—its colleges and universities.

**THE KNIGHT COMMISSION ON INTERCOLLEGIATE ATHLETICS** – It seems inconceivable: How could the Commission—formed to help clean up the problems with college sports—abandon its watchdog role and now allow itself to be used to further the NCAA's vested, money-making interests and its continuing exploitive commercialization of college sports? But this need not continue to be so.

The Commission can give thoughtful consideration to its founding purpose and then move to help support the effort to reform college sports by endorsing The Drake Group's three-step plan for reclaiming academic integrity in college sports<sup>7</sup> as well as its related effort to have the U.S. Congress require the NCAA and its member schools 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—as well as require measures of transparency, accountability, and oversight that are adequate to this task.<sup>8</sup>

**LOOKING FORWARD** – The Drake Group, with the support of other reform-minded organizations and like-minded individuals from the academic community, will not only continue to update members of Congress and their staff members on issues related to the need for serious reform in college sports, but also, more importantly, support Senator Grassley's effort to affect a significant improvement in the transparency, accountability, and independent oversight of the operations of the NCAA and the athletic programs at its member institutions. It is my hope that Catholic colleges and universities will see fit to lead the way.

**Frank G. Splitt**, a member of The Drake Group, is a former McCormick Faculty Fellow at Northwestern University, a Vice President Emeritus of Nortel Networks, a Life Fellow of the IEEE, and a Senior Director and Fellow of the International Engineering Consortium. He was the recipient of the *2006 Robert Maynard Hutchins Award* and is the author of numerous essays and commentaries on college sports reform available at <http://thedrakegroup.org/splittessays.html>

## NOTES

1. This essay is based, in large part, on e-mail letters sent to the presidents of all Catholic colleges and universities supporting big-time football and men's basketball programs as well as to the co-chairs of the Knight Commission on Intercollegiate Athletics.

2. Splitt, Frank G., "Reclaiming Academic Primacy in Higher Education," IEC Publications, Dec. 31, 2003, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)

3. \_\_\_\_\_, "Time for accountability in sports," *The National Catholic Reporter, Catholic Colleges & Universities*, Page 11a, Nov. 14, 2008, [http://www.thedrakegroup.org/Splitt\\_Time\\_for\\_Accountability.pdf](http://www.thedrakegroup.org/Splitt_Time_for_Accountability.pdf)

4. Svare, Bruce, "A Road Map for Reform of College Athletics," *The Chronicle of Higher Education*, Section: *The Chronicle Review*, Volume 55, Issue 12, Page A42, Nov. 14, 2008.

5. Lieber Steeg, Jill, et al, "College athletes studies guided toward 'major in eligibility,'" *USA Today*, Page 1A, Nov. 19, 2008, [http://www.usatoday.com/sports/college/2008-11-18-majors-cover\\_N.htm](http://www.usatoday.com/sports/college/2008-11-18-majors-cover_N.htm) .

All too often, local media shy away from this subject matter. Not so the *USA Today's* editorial board. It not only published an opinion on this investigative report headlined 'Majoring in Football,' (<http://blogs.usatoday.com/oped/2008/11/majoring-in-foo.html>), but also ended with a heavy dose of sarcasm, saying: "Perhaps the next time the NCAA reforms its academics standards, it should require some courses for school administrators. They could benefit from some drama classes, because their contention that athletes are getting a sound education is not a particularly convincing act."

6. Brady, Eric, "Athletes' academic choices put advisers in tough balancing act," *USA Today*, Page 1C, Nov. 20, 2008, [http://www.usatoday.com/sports/college/2008-11-20-athletes-advisers-cover\\_N.htm](http://www.usatoday.com/sports/college/2008-11-20-athletes-advisers-cover_N.htm)

7. Otto, Kadie and Lanter, Jason, "A Road Map for Reform of College Athletics," *The Chronicle of Higher Education*, Section: *The Chronicle Review*, Volume 55, Issue 12, Page A42, Nov. 14, 2008. Here are the elements of the 3-step plan:

*The first step* is insisting on academic transparency, would make trustees, administrators, and faculty members accountable for providing the education that recruits are guaranteed with their scholarships. Transparency involves releasing information on the educational system at each university (e.g., courses, majors, advisers, etc.) for student subpopulations (i.e., athletes, band members, etc.), without releasing the names of the students.

*The second step* is insisting that academics take priority over athletics at all phases of one's college career. Students would have to maintain a 2.0 GPA each semester (the minimum GPA required at graduation) to participate in athletics. All athletics counseling and support services would be moved out of athletics departments and into academic-affairs offices, and athletics departments would have to build flexibility into practice and contest schedules so that they do not interfere with classes.

*The third step* is requiring students to spend a year on campus before participating in athletics. Students would be given five-year scholarships based on financial need, not athletic ability.


8. Splitt, Frank G., "The U. S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," <http://mtprof.msun.edu/Spr2007/splitt.html>



# The TAO of College Sports Reform Transparency, Accountability, and Oversight

By Frank G. Splitt

Stan Katz, director of the Center for Arts and Cultural Policy Studies at Princeton University's Woodrow Wilson School and the author of a commentary on my first essay on college sports reform,<sup>1</sup> posted two pieces relating to scholar-athletes on *Brainstorm*, a *Chronicle* Website.<sup>2,3</sup> The following commentary is based on my Nov. 26, comments on a report by *Inside Higher Ed* editor Doug Lederman<sup>4</sup> as well as on Katz's pieces.

We of The Drake Group<sup>5</sup> believe academic integrity demands transparency, accountability, and oversight (TAO). Here's why: 

As evidenced by the large number of comments on Lederman's report and those on the recent set of breakthrough *USA Today* articles, there is considerable interest in the issue of academic integrity.

To be sure, the preservation of academic integrity in the midst of commercialized intercollegiate athletics is the primary focus of The Drake Group's actions. For example, the Nov. 14, *National Catholic Reporter VIEWPOINT*,<sup>6</sup> provided the theme for letters that were sent to the presidents of all Catholic (and some public) colleges and universities supporting big-time football and men's basketball programs as well to the members of the Knight Commission on Intercollegiate Athletics..

The purpose of the letter was to provide an update on The Drake Group's recent activities, links to related articles, and a request for help in the form of an endorsement of our call for a significant improvement in the transparency, accountability, and oversight of college sports.

The letters urged the presidents of the Catholic schools to take the lead in college sports reform and the Knight Commission to give thoughtful consideration to its founding purpose and then move to help support the effort to reform college sports. For more, see Splitt.<sup>7</sup>

The Drake Group supports the introduction of strong TAO measures at the NCAA and in the athletics programs at its member institutions to help restore academic integrity in higher education—reducing the level of academic corruption that enables America's colleges and universities to pass off athletes who are academically, socially, and/or time disadvantaged, as student-athletes, i.e., legitimate students.

Of course, academic corruption is hardly the only form of the many vexing issues affecting higher education, but it is indicative of our collective inability to deal with a pernicious problem—saying much about how far our schools have regressed in the pursuit of fame and fortune. If allowed to continue, America's schools will inevitably lose sight of the meaning of academic integrity and the means of sustaining it.

The Drake Group believes that TAO measures would help college athletes receive a worthwhile college education as opposed to being channeled into diploma-mill-like degree programs that are designed and administered to not only maintain the athlete's eligibility, but also allow the NCAA and its member schools to claim tax-exempt status.

Without TAO, there is no limit to the academic shenanigans that can be utilized to field professional-level football and men's basketball teams.

November 27, 2008

## NOTES

1. Katz, Stanley N., A commentary on "Reclaiming Academic Primacy in Higher Education," *IEC Publications*, page x, Dec. 31, 2003, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)

"Frank Splitt's brief is a wake-up call for university faculty who truly care about undergraduate education. If we faculty think that the mindless expansionism of the research universities is somebody else's business, then we deserve what we get. Splitt is correct to argue that gigantism and corruption in athletics goes hand in glove with gigantism and corruption in the educational process. The system of higher education is out of control. In their own way, the Ivies are just as badly impacted as the Big Twelve. Even well intended university reformist presidents have not been able to stop the trend to financial aggrandizement. Education is too important to be left to anyone other than educators. So faculty must rise up to demand reform of intercollegiate athletics, to reject the hypocrisy of the notion of "student-athletes," and to assert the primacy of undergraduate education. This is a battle we cannot afford to lose."

2. \_\_\_\_\_, "Is The Term 'Scholar Athlete' An Oxymoron?" *The Chronicle Review Brainstorm*, Nov. 23, 2008, <http://chronicle.com/review/brainstorm/katz/is-the-term-scholar-athlete-an-oxymoron>

3. \_\_\_\_\_, "'Scholar-Athlete' Redux, ?" *The Chronicle Review Brainstorm*, Nov. 26, 2008, <http://chronicle.com/review/brainstorm/katz/scholar-athlete-redux>

4. Lederman, Doug, "Concerns About Clustering," *Inside Higher Ed*, Nov.20, 2008, <http://insidehighered.com/news/2008/11/20/cluster>

5. <http://thedrakegroup.org/>

6. Splitt, Frank G., "Time for accountability in sports," *The National Catholic Reporter, VIEWPOINT*,. Nov. 14, 2008, [http://www.thedrakegroup.org/Splitt\\_Time\\_for\\_Accountability.pdf](http://www.thedrakegroup.org/Splitt_Time_for_Accountability.pdf),

7. \_\_\_\_\_, "Best Remedy for the College Sports Mess: Transparency, Accountability, and Oversight," [http://www.thedrakegroup.org/Splitt\\_Best\\_Remedy.pdf](http://www.thedrakegroup.org/Splitt_Best_Remedy.pdf)

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*The Chronicle of Higher Education*

From the issue dated December 12, 2008

## LETTERS TO THE EDITOR

### **Principles of Amateurism Undermined Long Ago**

To the Editor:

In "NCAA Takes Heat Over Commercialization of Athletes" (*The Chronicle*, November 27), Libby Sander reports that many members of the Knight Commission on Intercollegiate Athletics, including some university presidents, said the new CBS fantasy-football league represented a "slippery path" toward exploitative commercialization of college sports. What these commission members don't seem to realize is that college sports has already slipped down the path of exploitative commercialization.

The NCAA's bedrock amateurism principles of many years ago — which required colleges and their business partners to treat athletes like other students, and not as commodities — were long ago undermined by unrestrained commercialism and related academic corruption.

William E. Kirwan and R. Gerald Turner, the commission's co-chairs, have said that "NCAA rules are clear: College athletes are amateurs and should not be part of these new business enterprises." However, NCAA rules do not amateurs make, no matter how clearly NCAA rules say that college athletes are amateurs — at least not in the NCAA's big-time programs, as well as in many of their lesser programs. To claim otherwise is disingenuous at best.

Since it was founded in 1989, the commission has strongly advocated policies that protect college athletes from commercial exploitation — except by the colleges themselves. The CBS Sports fantasy college football enterprise is simply following the lead of the colleges' much more extensive commercial exploitation of their athletes.

Although the NCAA takes sporadic heat from some commission members, the NCAA and the commission still remain joined at the hip in a continuing march of folly.

Frank G. Splitt  
Mount Prospect, Ill.

*The writer is a former McCormick faculty fellow at Northwestern University's McCormick School of Engineering and Applied Science.*

<http://chronicle.com>

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# Ongoing College Sports Tax Scam Puts Madoff to Shame

*Clips Guest Commentary*

*Our guest author makes use of the Madoff mess as a platform to protest that “the NCAA's unregulated operations are disingenuous at best.”*

By Frank G. Splitt

***It's strange the number of people who believe you can do right by means which they know to be wrong.***  
—Edward Voysey, a character in "The Voysey Inheritance," a play by Harvey Granville-Barker, 1914<sup>1</sup>

"**Madoff Misled SEC in '06, Got Off,**" read the headline of a front-page *Wall Street Journal* story.<sup>2</sup> The headline could just as well have read: "Brand Misled House Ways & Means Committee in '06, Got Off."

Congressman Charles Rangel, chair of the House Committee on Way & Means, never followed up on his predecessor Bill Thomas' effort to have NCAA President Myles Brand justify the NCAA's tax-exempt status.<sup>3</sup> According to Kimberley Strassel, Rep. Rangel is now confronting ethical controversies, saying:

The Blagojevich drama is titillating enough, and local Democrats' dithering over how to fill Mr. Obama's seat guarantees it will remain a storyline longer than is comfortable. But the Illinois drama has also thrust new light on the ongoing ethical controversies of House Ways and Means Chairman Charlie Rangel. At the rate the House Ethics Committee is receiving complaints – over Mr. Rangel's real-estate problems, tax problems, his privately sponsored trips to the Caribbean, and donations to his center in New York – this too will make headlines for a while.<sup>4</sup>

Another reason why Rep. Rangel and others don't talk about the NCAA's tax-free moneymaking and blatant hypocrisy is that they are afraid of what they might learn—better to let sleeping dogs lie and not risk losing political contributions or getting turned out of office by America's sports-addicted public.

So, it's unlikely that the hypothetical headline will ever be seen on the front page of any newspaper, nor will a fitting accompanying story.<sup>5</sup>

Like Harry Markopolos, who for nine years tried to persuade SEC staff that Madoff's operation was a fraud, The Drake Group has been working to persuade the Congress that the unregulated operation of the NCAA is disingenuous at best. Here's the story:

**Senator Chuck Grassley** is attempting to pressure nonprofit organizations to live up to the requirements associated with their tax-exempt status, for example see: "Grassley Targets Nonprofit Hospitals on Charity Care."<sup>6</sup> Sad to say, based on Congressman Rangel's tax problems and political realities, Senator Grassley is not likely to get support from the House Committee on Ways & Means or his Senate colleagues in investigating the extent to which the NCAA affiliated schools are not living up to a specified requirement for their tax-exempt status—keeping sports as an integral part of their educational programs and their athletes as integral parts of their student body. So here's another headline not likely to be seen any time soon: "Grassley Targets Nonprofit NCAA on Counterfeit Amateurs."<sup>7</sup>

If that be the case, America's colleges and universities will continue on their march of folly: defiling their academic integrity and warping their academic mission, denying academically qualified citizens access to a college education because of preferential admission of recruited athletes, fleecing American taxpayers who help pay for \$multimillion coaches salaries, jocks-only academic eligibility centers, stadiums, and arenas, as well as short changing our nation that deserves a world-class system of higher education that values academics well above athletics— rather than a system of businesses that manage minor league teams for the NFL and NBA while also providing education for academically qualified students.

**President-elect Barack Obama** has chosen Arne Duncan, a 'reformer' who doesn't bother the unions, as his designated Education Secretary. Perhaps Duncan will tackle the college sports business giving much needed support to Senator Grassley in resolving a troubling domestic education issue—America's system of higher education that has been hijacked, in large part, by the college sports entertainment business.

If and when confirmed by Congress, Duncan could ask a question that is sure to be bothersome: How can the presiding officials at the NCAA and its member colleges and universities continue to get away with an even bigger and longer-lasting scam than Bernard Madoff's Ponzi scheme? The scam involves the prostitution of the athletic programs and the exploitation of athletes at colleges and universities that support the NCAA's big-time football and men's basketball programs. It generates \$billions of tax-exempt revenues in full view of an almost constant stream of fluttering red flags.

If Duncan is able to overcome likely political pressure to look the other way and 'do nothing,' he would be sure to find that those who preside over the college sports entertainment business will continue to do what they have always done. They will provide answers that protect the status quo and their personal security—holding on to highly compensated positions with accompanying power, prestige, and influence, along with pomp & circumstance to boot. Rather than acknowledge embarrassing (possibly incriminating) truths, these officials will admit nothing and deny everything, but obfuscate and litigate if need be.

**The college sports tax scam** is no less than a national scandal, a travesty with a long-term negative impact that is apt to prove much more devastating than the Madoff scam—victimizing all of the American people, not just some of the world's financial firms and multimillionaires.<sup>8-10</sup>

There are great similarities between the seemingly quixotic effort of Harry Markopolos to convince the SEC staff that Bernard Madoff's operation was a fraud and the effort of The Drake Group to convince the Congress that the NCAA's unregulated operations are disingenuous at best—certainly worthy of close attention by the Congress and the IRS in view of the lack of transparency, accountability, and any independent oversight of these operations.

Both Markopolos and The Drake Group began sounding alarms in 1999—targeting financial fraud in the case of the Madoff scam and academic corruption in the case of the NCAA and its affiliated schools<sup>11</sup>—while working against entities fronted by respectable, smooth-talking, and well-connected individuals.

Who would ever think of questioning the integrity or ulterior motives of a charming former NASDAQ chairman or a former university president who is supported by college and university presidents across the land? The dirty little secret of big-time college sports is that these presidents would not have been elected to their lofty and lavishly rewarded positions if they were either reform-minded, or, not 'on board' with respect to the 'necessary' growth of the school's athletic programs and facilities dictated by the athletics arms race.

**Corrective action** by the Congress re: the college sports tax scam will be difficult since its members will be hard pressed to oppose the wishes (demands) of wealthy donors and their constituents...constituents who are addicted to professional-level college sports entertainment enabled by counterfeit amateurs.

We have only to look at the U. S. auto industry for a metaphor that shows what happens when the government helps to give the public what it wants (gas-guzzling SUVs/trucks and cheap gas) only to see the market become dominated by foreign competitors who recognize the folly of our short-term thinking—paraphrasing the words of Herbert Spencer: "The ultimate result of shielding the public from the effects of folly is to people our nation with fools."

It can only happen in Wonderland.



*Dr. Splitt's commentary was written on 12-23-08 and has been posted/published for the first time on College Athletics Clips on 12-23-08, with the author's permission.*

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

## NOTES

1. This quote was brought to my attention via Daniel Henninger's Wonderland column, "The Madoff Inheritance," in the Dec. 18, 2008, issue of *The Wall Street Journal*.
2. Zukerman, Gregory and Scannell, Kara, "Madoff Misled SEC in '06, Got Off," *The Wall Street Journal*, Dec. 18, 2008.
3. George Stephanopoulos interviewed Congressman Rangel during his Jan. 7, 2007, *This Week* program.

**Stephanopoulos:** I ask this question because we're about to see the college football championship tomorrow night. Your predecessor, Bill Thomas, had real questions about whether or not the NCAA still deserved its tax exemption because college sports have become so much like pro sports. Is that something that concerns you? Will you be taking a look at that tax exemption?

**Rangel:** I will be taking a look at all tax exemptions. You're asking, 'How do you pay for the loss of revenue for the alternative minimum tax?' And you also, I think you mentioned, that charitable organizations are a big revenue loser. And some of those organizations deserve tax breaks. But you really have to take a hard look at a lot of them that make a lot of money, and it's up to us to determine whether or not it's for the public good. And that, certainly, I join with Bill Thomas on that in taking a hard look at that as well as many, many other tax-exempt organizations.

4. Strassel, Kimberley, "Democrats Are the New Ethics Story," *Potomac Watch*, *The Wall Street Journal*. Dec. 19, 2008.
5. Many such stories can be weaved from the essays and commentaries that can be accessed on The Drake Group Website., <http://thedrakegroup.org/>
6. Carreywou, John and Martinez, Barbara, "Grassley Targets Nonprofit Hospitals on Charity Care," *The Wall Street Journal*, Dec. 18, 2008.
7. Sack, Allen J., *Counterfeit Amateurs*, Penn State Univ. Press, University Park, PA, 2008. The employment of counterfeit amateurs (so-called student-athletes) by big-time colleges and universities is the key enabler of the college sports tax scam.
8. Splitt, Frank G., "Sports in America 2007: Facing Up to Global Realities," [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America\\_2007.pdf](http://thedrakegroup.org/Splitt_Sports_in_America_2007.pdf)
9. \_\_\_\_\_, "The College Sports Tax Scam," A Collection of Recently Published Essays and Comments, p. 6, [http://thedrakegroup.org/Splitt\\_Collection\\_of\\_Recent\\_Essays.pdf](http://thedrakegroup.org/Splitt_Collection_of_Recent_Essays.pdf)
10. \_\_\_\_\_, "The College Sports Tax Scam Revisited," [http://thedrakegroup.org/Splitt\\_Tax\\_Scam\\_Revisited.pdf](http://thedrakegroup.org/Splitt_Tax_Scam_Revisited.pdf)
11. To review the genesis of The Drake Group, go to the homepage of The Drake Group Website, and then click on the History tab.

# College Sports: National Priorities and Unplugged Loopholes

## *a Clips Guest Commentary*

*Our guest author looks to the feds for what he feels is long overdue overhaul of big-time college athletics.*

By Frank G. Splitt

**Kudos to Professors Tom Palaima and Nathan Tublitz** – The professors from the University of Texas-Austin and the University of Oregon make several noteworthy points using President-elect Obama's uninformed and widely-reported comments—favoring a playoff series to determine the national college football championship—to help focus attention on what's really going on in the college sports entertainment business.<sup>1</sup>

- Rather than fret about a college football playoff, the president-elect should be encouraged to focus on getting priorities right re: academics and sports at American institutions of higher education;
- Other countries are beating us in education by wisely using their financial resources not for sports entertainment, but on classrooms, libraries and laboratories;
- American children are less well educated and have fewer career opportunities than their parents;
- There is a serious decline in U.S. student academic performance compared to other countries;
- University leaders have increased athletic spending, while academic programs suffer.

The authors express hope that the new president will use his influence to get Congress to close the loopholes that have perverted our higher educational priorities, and that he directs our new Education Secretary to work to get university leaders across the country to focus on what truly matters: education. But there is much more to their story.

**Unplugged Loopholes** – Palaima and Tublitz also illuminate artifacts of the college sports tax scam:<sup>2</sup>

By making skybox rental fees and mandatory donations for ticket-purchasing privileges tax deductible, our government actually encourages universities to build stadiums and arenas laden with luxury sky-boxes and other kinds of preferred seating. That's where the big "tax-deductible" money is.

Wealthy sports boosters like Phil Knight (the University of Oregon) and T. Boone Pickens (Oklahoma State University) can write off their gifts of \$100 million or more to sports programs as donations to higher education.

Congressional committees have examined these loopholes recently and not made any moves towards changing them.

In view of these comments it is only natural to ask: Why haven't Congressional committees who have examined these loopholes not made any moves towards plugging them? The answer to this question not only provides insights into today's golden rule—*They who have the gold rule*—but also insights into the limitations of a democratically elected government to effect change Here's why:

**The NCAA Cartel Can Muster Powerful Legal and Lobbying Forces** – In early 2006, the book, *College Athletes for Hire: The Evolution and Legacy of the NCAA's Amateur Myth*, by Allen Sack and Ellen Staurowsky, was recommended to House Committee on Ways & Means staffers. Why? Because it provided a good sense of the magnitude and the ubiquitous nature of the NCAA cartel's powerful legal and lobbying forces that Rep. Bill Thomas (R-CA, Ret.), the 109<sup>th</sup> Congress' House Ways & Means Committee Chairman, would confront in his end-of-term effort to have the NCAA provide justification for its tax-exempt status.<sup>3</sup>

There is little doubt that members of Congress are reluctant to confront the formidable forces that can be arrayed to defend a business that epitomizes hypocrisy and greed. It goes without saying that the NCAA's first line of defense of its money machine is its own high-power/high-paid executive team and its 24/7 PR machine.

**Politicians Fear Confrontation and Risk of Political Suicide** – Members of Congress likely hesitate for fear of political backlash if they dare deny the American public access to entertainment via games played by professional-level college football and men's basketball teams, or, even for fear of a negative public reaction to an investigation into what this educational-resource-draining, billion-dollar industry really does to justify its tax exemption. Put another way, members of Congress simply don't want to risk committing political suicide via association with efforts that would impose requirements that would compromise the NCAA cartel's ability to operate/manage minor-league teams for the NFL and NBA—no matter the long-term, devastating impact of this self-serving position on America's institutions of higher learning.

**Fear and Risk Aversion Prompt Collective Conflict Avoidance** – Unfortunately, when individual political-suicide avoidance spans the entire Congress, the end result is collective conflict avoidance—a potentially fatal flaw shared

by all democratically elected governments. In this case, deciding by not deciding can lead to the stifling of any hope of taking back our nation's system of higher education that has been hijacked by the unregulated, out-of-control college sports entertainment industry.

**Feds in the dark** – As incredible as it may seem, without transparency, oversight and accountability mechanisms, the federal government is in a position where it must accept the claims of schools that they are compliant with the requirements of their tax-exempt status. In all too many instances, these schools give every appearance of not only being secretive, but untrustworthy as well. Investigative reports by *The New York Times*, *USA Today*, *The Ann Arbor News* and *The Atlanta Journal Constitution* as well as the Palaima-Tublitz piece speak to this untrustworthiness—illustrating the widespread academic corruption in big-time college sports.<sup>4</sup>

Besides the potential for congressional scrutiny and the loss of big-money, there is a compelling need for big-time schools to cheat—for example, by inflating graduation and academic progress rates to justify their high-profile programs and their extraordinary investments in staff and 'jocks-only' facilities for alternative 'education-lite' programs for their counterfeit amateurs (a.k.a. student-athletes).

**March of folly** – Left to their own devices (as they are now), the NCAA and its member institutions won't poison their tax-exempt money well by implementing meaningful measures of transparency, accountability, and oversight. Without the threat of a poke by the tip of a federal bayonet, they will continue on their march of folly—valuing athletics over academics as they wholeheartedly support professionalized sports programs. That is precisely why The Drake Group specifically called for these measures in its letter commentary on the Draft of a Redesigned IRS Form 990, submitted to the IRS on September 12, 2007.<sup>5</sup>

Simply put, without federal intervention, America's colleges and universities will continue to: defile their academic integrity and warp their academic missions, deny academically qualified citizens access to a college education because of preferential admission of recruited athletes, fleece American taxpayers who help pay for multimillion-dollar coaches salaries, jocks-only academic eligibility centers, stadiums, and arenas, as well as short change our nation that deserves a world-class system of higher education that values academics well above athletics.

**Concluding Remarks** – The cash registers at the NCAA and its member institutions will continue ringing up ill-gotten gains and college athletics will continue to preempt academics so long as the federal government continues to look the other way—effectively refusing to plug tax loopholes that help fuel the unregulated college sports entertainment industry—avoiding a follow-up on the investigative work of the 109th Congress' Senate Finance Committee Chairman Chuck Grassley and House Committee on Ways & Means Chairman Bill Thomas.

If America is going to continue to maintain a position of leadership on the 21st century's world stage, then it needs to get its priorities right in our institutions of higher education. Members of top-ranked BCS football teams and the NCAA's Final-Four basketball teams will not likely be eligible to play in the Palaima-Tublitz International Education Bowl. For more, see “Sports in America 2007: Facing Up to Global Realities,”<sup>6</sup> and “Time for accountability in sports.”<sup>7</sup>

January 12, 2009

## AFTERWORD

**A Sign of Progress** – In a recent column, “The I.R.S. Considers Pressing Schools to Further Reveal Their Business Activities,”<sup>8</sup> Lynnley Browning writes:

The Internal Revenue Service is considering expanding its scrutiny of colleges and universities to focus on billions of dollars associated with academic research, federal financing and intellectual property, a senior agency official said....

The expansion of an investigation would put pressure on the schools to further disclose their inner financial workings as the I.R.S. undertakes a major effort to learn more about whether academic institutions are improperly using their nonprofit status to avoid paying certain taxes....

The investigation is modeled upon similar scrutiny of hospitals that began in 2006 and has prompted audits, legislative hearings and stricter tax-filing requirements. The idea is to give the I.R.S. a clear view of how the business of academia operates in the 21st century....

Under its review, the I.R.S. is looking at whether universities and colleges are properly paying any special federal taxes owed on transactions, investments or businesses that are unrelated to their core nonprofit activities.

This is not a new idea. It harks back to the June 22, 2004, Senate Finance Committee hearing—on nonprofit practices, abuses, and ways to improve oversight—chaired by Senator Grassley.<sup>9</sup> To be sure, it is a politically-smart approach to getting at the school's revenue-producing sports entertainment business without triggering an explosive reaction by the NCAA cartel. .

An isolated, direct attack on the heavily-resourced NCAA cartel's tax-exempt status would never work no matter how well justified and how persuasive the argument. The I.R.S. approach is likely the only one that has a chance of producing results within the context of today's political realities.

Actually, this may very well be as good as it gets re: eliminating the federal subsidization of professional college sports and its related arms race. Nevertheless, it could be good enough if, and only if, the I.R.S. continues to press for details in all of the school's businesses that are unrelated to their core nonprofit activities—including (of course) the school's sports entertainment business.

**Worry about Fiscal Realities** – In her report on the January 15, 2009, standing-room-only session on the economy at the NCAA's annual meeting,<sup>10</sup> Libby Sander quotes Tim Curley, athletic director at Pennsylvania State University at University Park, as saying:

There's a real opportunity now to get refocused and streamline some of the craziness we've gotten ourselves into . We can put our competitive hats aside and look at the fiscal realities all of us are faced with.

According to Sander, the 3,000-plus athletics officials attending the convention were more than worried about fiscal realities "they were practically consumed by them." She reported that Wallace Renfro, an NCAA vice president and a top adviser to the association's president, Myles Brand, said that as many athletics officials seek ways to cut back on their expenses they should also look for ways to increase their revenue, writing:

With fund-raising and allocations from state governments slackening, Division I athletic directors should consider increased commercial activity as a way to boost income, said Renfro in the "state of the association" speech Thursday afternoon.

Selling the rights to present and distribute sporting events is one way to boost revenue in difficult economic times, Mr. Renfro said, mentioning a "limitless" array of new-media outlets as potential customers. Other ways include marketing merchandise with team logos, or having a coach endorse a commercial product, or selling signage in an arena or stadium. And all of those could be done without exploiting individual athletes, he said.

It would seem that Renfro's remarks will do little to help justify the NCAA's tax exemption as an institution of higher education. Also, it seems ironic, in view of fiscal realities and the widespread academic corruption in big-time college sports, that the 2009 NCAA Convention was themed *Engaging Our Communities Through Academics, Athletics & Leadership* and held at a Washington area resort hotel.

**A Hope for the Future** – It is hoped that the "unusually detailed questionnaires sent by the I.R.S. to 400 private and public universities and colleges about their executive compensation policies and their business activities," is but the first in step in making the schools more transparent, accountable, and subject to oversight.

It has taken The Drake Group 5-years to get to this point. This effort included work with the offices of Director LeRoy Rooker, U.S. Department of Education-Family Policy Compliance, Congressional Representatives Henry Hyde, Janet Schakowsky, Bill Thomas (House Committee on Ways & Means), as well as with the offices of Senators Chuck Grassley and Max Baucus (Senate Finance Committee), that eventually led to:

- House Ways & Means Chairman Bill Thomas' October 2, 2006, letter to NCAA President Myles Brand aimed at ascertaining the justification for the tax-exempt status of the NCAA and its member schools;
- The Drake Group's September 12, 2007, comments on the Draft of a Redesigned IRS Form 990.<sup>5</sup>

When the I.R.S. presses schools for details (as well as for transparency, accountability, and oversight) in their college sports business activities, the schools will have much more to worry about than bleak economic conditions. The I.R.S. will most likely find that many of these schools are not compliant with the requirements of their tax-exempt status and act accordingly. This action could force compliance with the requirement that the schools and their business partners treat athletes like other students, and not as commodities, or, exploited as poorly-paid professionals.

Now that would be a real sign of progress.

January 18, 2009

**Frank G. Splitt** is a former Northwestern University Faculty Fellow, an emeritus Nortel Networks Vice President, and a member of The Drake Group,

## NOTES

1. Palaima, Tom and Tublitz, Nathan, "Barack Obama and the International Education Bowl," <http://www.insidehighered.com/views/2009/01/09/palaima>. This essay is, in part, based on the author's posted comment at this URL.

2. Splitt, Frank G., "Ongoing College Sports Tax Scam Puts Madoff to Shame," [http://www.thedrakegroup.org/Splitt\\_Ongoing\\_.pdf](http://www.thedrakegroup.org/Splitt_Ongoing_.pdf)

3. \_\_\_\_\_, "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," [http://thedrakegroup.org/Splitt\\_Montana\\_Professor.pdf](http://thedrakegroup.org/Splitt_Montana_Professor.pdf).

Also, at the time, Senator Charles Grassley (R-IA), the past Chairman and now Ranking Member of the Senate Finance Committee, was looking to significantly improve the transparency, accountability, and oversight of the NCAA's operations. It was Senator Grassley who once said: "Big money, tax free, and no oversight have created a cesspool in too many cases."

4. Another example comes from Professor Palaima who reviewed the Hagen case covering independent studies for athletes at the University of Michigan. The flimsy reasoning in the university's Dean of Undergraduates' letter of defense prompted him to post a comment titled "Hagen and Independent Study" on Elia Powers' report, "When Independent Study Raises Red Flags," at <http://insidehighered.com/news/2008/03/18/michigan>

5. "Comments by The Drake Group on the Draft of a Redesigned IRS Form 990," [http://thedrakegroup.org/Splitt\\_TDG\\_IRS\\_Commentary\\_091207.pdf](http://thedrakegroup.org/Splitt_TDG_IRS_Commentary_091207.pdf)

6. Splitt, Frank G., "Sports in America 2007: Facing Up to Global Realities," [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America\\_2007.pdf](http://thedrakegroup.org/Splitt_Sports_in_America_2007.pdf)

7. \_\_\_\_\_, "Time for accountability in sports," *The National Catholic Reporter*, Nov. 14, 2008, [http://www.thedrakegroup.org/Splitt\\_Time\\_for\\_Accountability.pdf](http://www.thedrakegroup.org/Splitt_Time_for_Accountability.pdf)

8. Browning, Lynnley, "The I.R.S. Considers Pressing Schools to Further Reveal Their Business Activities," *The New York Times*, Jan. 14, 2009, <http://www.nytimes.com/2009/01/14/education/14tax.html>.

9. Strom, Stephanie, "Charities Face Increased Reviews by I.R.S. as Senate Considers Strengthening Oversight," *The New York Times*, June 22, 2004. It was Strom's coverage of the hearing that focused my attention (and that of The Drake Group) on the tenuous basis for the tax-exempt status of the big-time college sports entertainment business.

10. Sander, Libby, "As Athletics Officials Meet, Talk Keeps Turning to the Economy," *The Chronicle of Higher Education*, Jan. 16, 2009, <http://chronicle.com/daily/2009/01/9711n.htm>.

# Clips eFLASH

*Below is a follow-up by the Drake Group's Frank Splitt about some recently posted pieces on the Clips site -- the most recent being from the Washington Post's Sally Jenkins in which she provided a Top Ten List for a possible presidential sports agenda for Obama's first 100 days in office. Ms. Jenkins used provocative call-to-action phraseology like "Liberate college football from the tyranny of the BCS," which is run by a "despotic cartel" that results in a "commercial swindle.*

## Time to Put Childish Things Aside

*By Frank G. Splitt*

The dark side of the college sports entertainment industry is illuminated by several recent articles.<sup>1-6</sup> These articles provide strong support for I.R.S. action to press college and universities to further reveal the activities of their sports entertainment businesses—as discussed in the AFTERWORD to the author's previous *College Athletics Clips* commentary.<sup>7</sup>

What's going on in the wonderland of NCAA D1 athletics does not paint a pretty picture. Here's a quick look from the perspective of The Drake Group:

The cited references provide excellent examples of the excesses in the highly commercialized college sports entertainment business ... excesses that are undermining America's system of higher education. Those involved in serious college sports reform can attest to the fact that it is exceedingly difficult to bring this unregulated business under control.<sup>8</sup>

It is now approaching five years since Congresswoman Jan Schakowsky placed remarks in the *Congressional Record* that called attention to the need for reform in college athletics.<sup>9</sup> Over the ensuing years The Drake Group has worked with the House Ways & Means Committee and the Senate Finance Committee to not only introduce appropriate measures of transparency, accountability, and oversight into the operations of the National Collegiate Athletics Association (NCAA), but also to pressure America's institutions of higher education to focus their attention and resources on academics rather than athletics.

Why the difficulty? A major reason is there is simply so much money to be made by so many people who are doing the undermining. These people include, but are not limited to NCAA, school, conference, and BCS officials who are, for the most part, ignorant of the unintended consequences of their action (or lack of action as the case may be).

The situation is akin to the commercial raping of the South American rain forests by people who remain clueless as to its destabilizing impact on the earth's climate and its degradation of biodiversity. Unrestrained market forces are not only at work in the Amazon, but on 'beer-and-circus' campuses all across America. The tragedy is that those in leadership positions really think and act as if they have everything under control.

Finally, not lost on members of The Drake Group was the relevance to college sports reform of President Obama's scripture reference in his inaugural address—"The time has come to set aside childish things."

Bob Gilbert captured the context of "childish things" in a recent column:<sup>10</sup>

Watching on television Tuesday as Barack Obama became the first black and 44th president of the United States, I saw people of all races among the estimated 2 million people on the Washington mall, there to see history made and to be part of it.

The moment reinforced for me the insignificance of sports, the thing I've loved and written

about for most of the past 40 years. But as Congressman Heath Shuler, a former Tennessee and NFL quarterback, said in a recent television interview: "Sports are a game; they're entertainment."

Sadly, the lives of millions of Americans revolve around cheering for their favorite college football and basketball teams while remaining oblivious to the long-term devastating impact that their addiction to professionalized college sports entertainment has on the academic integrity and competitiveness of our nation's institutions of higher learning. Unfortunately, many of these Americans are in a position of profound influence over priorities at these institutions. It's time to put their childish things aside.

Need more be said to evoke responsible bipartisan government action re: prioritizing academics over athletics at America's colleges and universities by imposing requirements for transparency, accountability, and oversight?

January 24, 2009

**Frank G. Splitt** is a former Northwestern University Faculty Fellow, an emeritus Nortel Networks Vice President, and a member of The Drake Group, <http://thedrakegroup.org/>.

## NOTES

1. This piece was prompted by the rash of articles stemming from President Obama's remark during a pre-election TV interview that he would "throw his weight around" to bring about a football playoff.
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3. Palaima, Tom and Tublitz, Nathan, "Barack Obama and the International Education Bowl," *Inside Higher Ed*, Jan. 9, 2009, <http://www.insidehighered.com/views/2009/01/09/palaima>.
4. Sack, Allen, "Why worry about who's No. 1 when education is No. 2?," *SportsBusiness Journal*, Jan. 19, 2009, [http://thedrakegroup.org/Sack\\_1-19-2009.pdf](http://thedrakegroup.org/Sack_1-19-2009.pdf) .
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9. Schakowsky, Janet, "Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports," *Congressional Record*, March 17, 2005, [http://thedrakegroup.org/Splitt\\_Essays.pdf](http://thedrakegroup.org/Splitt_Essays.pdf).
10. Gilbert, Robert, Untitled Bg21, Column (409), Jan. 21, 2009. Columnist Bob Gilbert, former Associated Press writer, retired University of Tennessee news operations director and author of the Bob Neyland biography, can be reached at [rwgilbert@charter.net](mailto:rwgilbert@charter.net)

# Big-time college sports: A plausible alternative to pro sports?

By Frank G. Splitt

February 3, 2009

**Troubling Signs in Pro Sports** – In his Jan. 30, 2009, *Wall Street Journal* opinion piece, "Are Pro Sports Too Big to Fail?," Jonathon Last discusses the emergence of troubling signs in pro sports since the onset of the current economic crisis saying, among other things:

Adding an extra layer of danger for pro sports is the fact that big-time college sports now represent a plausible alternative product. The collegiate levels have made great strides in the quality of play and, unlike the pros, they have relatively fixed costs.

To be sure college sports have made great strides over the years thanks to the persistent efforts of the NCAA cartel—the National Collegiate Athletics Association and its member institutions. Over the years, the NCAA cartel has made a number of rule changes that have emphasized athletics over academics so as to move their D-1A football and men's basketball programs to professional levels. As a matter of fact, the NFL and NBA pro sports franchises already rely on colleges and universities to supply their teams with professional-level players many of whom have been coached by former professional coaches.

**Financial Advantages with Nonprofits** – Perhaps even more important to the plausibility of big-time college sports as an alternative to pro sports are the related financial advantages of operating from a nonprofit base, especially so with recession worries everywhere.

The NCAA cartel could continue with its successful amateur charade and operate its sports entertainment businesses as nonprofit organizations with minimum payroll expenses though their continuing use of unpaid professionals (counterfeit amateurs a.k.a. student-athletes)—providing the cartel with a tremendous competitive advantage.

There are substantial cost (tax) benefits to the TV, cable, and satellite network providers, as well as to their advertisers and sponsors who transact business with the nonprofit schools. These benefits stem from the government's weak enforcement of the unrelated business income tax law (UBIT) that was designed to curb unfair competition between for-profit and not-for-profit businesses. .

To assist in building their sports endowments, the schools can take advantage of tax-exempt contributions with benefits to donors in the form of the right to buy football or men's basketball tickets—the bigger the gift, the better the seats, the better the luxury boxes, and other fringe benefits.

As reported by Brad Wolverton in the Jan. 29, 2009, issue of *The Chronicle of Higher Education*, some of the nation's biggest athletics departments are already trying to raise hundreds of millions of dollars for separate sports endowments—more than two dozen of which are involved in or planning endowment campaigns with a combined goal of \$2.3-billion.

With these financial advantages in hand, NCAA cartel officials must then take advantage of the fact that the American public does not really care about the academic integrity and the academic missions of our nation's colleges and universities—and much less about global realities.

**Proven Means and Guidelines** – To win out over the current model of pro sports, the NCAA cartel needs to get serious. That means implementing sets of means and guidelines at candidate schools that will insure success—in the sense that big-time college football and men's basketball programs will be viable alternatives to today's NFL and NBA.

Here is a list of proven means and guidelines aimed at achieving the best possible level of competition by the best athletes that can be garnered for play in the big-time college sports entertainment business:



- 1) *Remind college presidents* that the mission of their schools is to create teams of athletes worthy of professional play, not well educated citizens whose educations are enhanced by participation in competitive sports;
- 2) *Pack the school's board of governors* with wealthy, sports-crazed boosters that will force the president to adhere to the school's athletic mission while sparing no expense in keeping up with the athletics arms race;
- 3) *Emphasize the primacy of athletics over academics*, by increasing the number of NCAA approved "special admits" (athletes with combined SAT scores well below the old minimum of 820) and recruiting other academically challenged athletes that want to play at a professional level;
- 4) *Establish discreet programs* that will: a) make it financially worthwhile for superb athletes to sign up to play for pay, e.g., summer jobs involving large pay with little if any work, b) facilitate tax-free donations to help fund athletic endowments that can, in turn, fund coaches salaries, athletic scholarships, athletic facilities, and a professional public relations staff, c) allow for undetectable transfers of general academic funds to designated athletic programs;
- 5) *Invest in first-class athletes-only academic facilities* staffed by tutors, counselors and learning specialists, as well as equipped with the latest computer technology and other amenities so that athletes' need not be unnecessarily distracted by academic work;
- 6) *Expand the number of "friendly faculty"* to hand out A 's to athletes who have done little work and have attended few if any classes as well as expand the number of less rigorous academic majors to avoid the appearance of clustering;
- 7) *Cast a blind eye* toward the use of performance enhancing drugs and personal violence, as well as demand that athletes give their lives to sports (This applies to the school president as well to all school administrators, especially members of the coaching staff).

The implementation of these means and guidelines will level the playing field and all but guarantee more high-quality teams of the professional caliber now fielded by some of the colleges and universities in Florida, California, Texas, Oklahoma, Alabama, Louisiana, and Georgia.

**NCAA Cartel 'To Dos'** – Finally, to assure that big-time college sports will be a viable alternative to pro sports, the NCAA cartel needs to:

- 1) *Defend its tax-exempt status* along with its enabling 'student-athlete' ruse that has not only successfully 'sold' college athletes as amateurs, but also as bona fide students;
- 2) *Obstruct the efforts of reform-minded organizations* to have the government impose requirements for transparency, accountability, and oversight of its operations that could put its tax-exempt status at risk;
- 3) *Continue to provide weak enforcement* of its eligibility rules while maintaining the focus of its investigations on non-big-time schools;
- 4) *Continue to work with the Knight Commission* to maintain the façade of ongoing reform;
- 5) *Begin to schedule games on Sundays* so as to provide evidence that they can offer college sports entertainment 7 days a week for America's sport's addicted public—and especially for the students at its 'beer and circus' campuses; and
- 6) *Prepare its vast legal, political, and lobbying resources for court battles* with ardent defenders of pro sports.

**Concluding Remarks** – Nobody close to college sports can miss the progress made by the NCAA cartel in moving big-time college football and men's basketball programs to professional levels—a work still in progress. Nevertheless, it may be surprising to some just how plausible big-time college sports are as an alternative to pro sports—not as farfetched as many would have thought. Additional financial help could come to the schools via funds from the federal economic stimulus program that could, in turn, provide money for the shovel-ready construction and/or improvement of athletic facilities, or, for debt service on previous construction.

Further tweaking of eligibility and compensation rules, and game scheduling, along with strategic relationship building at state and federal levels could have college sports as America's first choice for sports entertainment—a real alternative to pro sports.

But there will be problems to resolve, first and foremost would be legal challenges by defenders of the pro sports industry. They will be sure to question the justification for the tax-exempt status of college sports—likely building on the work of The Drake Group but with many more resources to bring to bear on the matter. They will also claim unfair competition from not-for-profit businesses and lobby for strong UBIT enforcement.

Perhaps the biggest problems could come from Washington. There—in the light of global realities and the financial crisis—the president and members of his administration as well as members of the U.S. Congress may finally come to realize that prioritizing investments in athletics over investments in academics at America's colleges and universities is not only a very bad idea, but also a big waste of taxpayer money.

**Frank G. Splitt** is a former Northwestern University Faculty Fellow, an emeritus Nortel Networks Vice President, and a member of The Drake Group. He notes that the above essay is based in part on his letter to the editor, "Some suggestions for Big10 football," published in the Jan. 30, 2009, issue of *The Daily Herald*.

# Economic Stimulus and the Higher Education Investment Act

By Frank G. Splitt

**Doug Lederman** reported<sup>1</sup> that a compromise amendment worked out by moderate Democrats and Republicans in the U.S. Senate late Friday slashed billions of dollars that would have flowed to colleges and universities in the Senate's original version, with the biggest cuts coming in education aid to states and funds to modernize college facilities. Differences between the House and revised Senate stimulus packages are to be reconciled in a subsequent House-Senate conference.

In the near term, the Senate action certainly does not bode well for the Higher Education Investment Act proposed in the December 16, 2008, open letter to (then) President-Elect Obama by a group of college and university officials as well as academic associations convened by the Carnegie Foundation of New York and its president, Vartan Gregorian.

The letter had a noble purpose and was well stated—saying public universities and colleges recognize the urgency of improving education outcomes, raising graduation rates, preparing more first-rate teachers, and building human capital in science, engineering, and mathematics,<sup>2, 3</sup> as well as urging much needed investment in public higher education to rebuild America's economy. See the Carnegie Foundation of New York Website (<http://www.carnegie.org/>) for access to the letter and the related press release, "Educators Urge Obama to Invest in Public Higher Education to Rebuild America's Economy."

According to the letter: "investment initially should focus on infrastructure: building essential classroom and research buildings and equipping them with the latest technologies." A commitment of 5 percent of the economic stimulus package—in the range of \$40 to \$45 billion—toward higher education facilities was requested "to provide the stimulus that will propel the nation forward in resolving its current economic crisis and lay the groundwork for international economic competitiveness and the well-being of American families into the future."

**Notwithstanding the pre-conference Senate action**, all is not lost since Lederman also reported that:

- o Lawrence Summers, the Obama administration's point man on the stimulus package, specifically mentioned on Feb. 8, television news shows, higher education is an area that is likely to be in dispute as the House and Senate craft a compromise, and hinted the administration might favor more than the Senate bill would provide—saying "There are crucial areas, support for higher education, that are things that are in the House bill that are very, very important to the president."

- o Education Secretary Arnie Duncan strongly suggested—in a speech at the American Council on Education's annual meeting on Feb. 10, and in comments afterwards—that the Obama administration would push to restore proposed spending on higher education that was cut from the version of the package that the Senate endorsed Monday, saying: "(the Senate) astonishingly" eliminated \$20 billion for modernizing educational facilities, \$3.5 billion of which was to flow to colleges.<sup>4</sup>

Nonetheless, there will be opposition and potential pitfalls besides. The government can be caught between the proverbial rock and a hard place when it comes to investing in public colleges and universities as outlined in the proposed Higher Education Investment Act.

**Re: opposition**, the Cato Institute (<http://www.cato.org/>) sponsored a full-page advertisement in the Feb. 9, 2009 issue of *The Wall Street Journal* that led with a strawman-like, Jan. 9, 2009, quote from then President-elect Barack Obama: "There is no disagreement that we need action by our government, a recovery plan that will help to jumpstart the economy." There followed the statement, "With all due respect Mr. President, that is not true."

Some 250 university professors and 3 Nobel Laureates signed on to say they "do not believe that more government spending is a way to improve government performance." They go on to say: To improve the economy, policymakers should focus on reforms that remove impediments to work, saving, investment and production. Lower tax rates and a reduction in the burden of government are the best ways of using fiscal policy to boost growth."

Clearly then, there will be strong opposition to proposals such as the Higher Education Investment Act. In view of this likely opposition and to ensure the proposal has every chance of success, it is suggested that the text of Higher Education Investment Act be made unequivocally restrictive in the sense that the federal funds can only be used as intended.

**Re: potential pitfalls**, many of America's public colleges and universities are part of the big-time college sports entertainment business—including some of the schools that signed on to the letter. These schools have opted to invest heavily in athletic facilities. In so doing, they not only have compromised their academic missions, but also now find themselves in a position where they must service very large debts during economic hard times.<sup>5-9</sup>

The situation is somewhat akin to economic stimulus mechanisms that provide \$billions in bailouts to mismanaged banks in order for them to continue to do what they are supposed to be doing as part of their core business.

Unless safeguards are developed, the government could very well end up investing in the college sports entertainment business rather than infrastructure: building essential classroom and research buildings and equipping them with the latest technologies.

To mitigate against the potential subversion of the aims of the proposed Higher Education Investment Act, consideration should be given to an expansion of the Act's conditional statement to read as follows:

Federal funds should be conditional on states' agreement: 1) not to use these federal funds as an excuse to reduce budgetary commitments to universities, 2) not to use these funds for payment of expenses in anyway related to a school's sports entertainment business, and 3) to accept requirements for transparency, accountability, and oversight to assure that the funds are being used for their intended academic purpose.

To appreciate the necessity of the (added) last two conditionals, one need only be aware of the fact that schools supporting big-time college football and men's basketball programs are under the stranglehold of the college sports entertainment industry as well as be aware of the government's pitiful experience with the TARP bailout program for America's banking system.

**The bottom line** is that the last thing that those concerned with the efficacy and viability of higher education in America would want see is the taking of federal funds to enhance athletics programs already fueled by government subsidies. School officials supported by boards of governors populated by wealthy sports boosters—including corporate and banking executives—would have little if any problem following Mark Twain's maxim: "It is better to take what does not belong to you than to let it lie around neglected."

*February 11, 2009*

**Frank G. Splitt** is a former Northwestern University Faculty Fellow, an emeritus Nortel Networks Vice President, and a member of The Drake Group, <http://thedrakegroup.org/>.

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# Academic Integrity Is Not a Moneymaker

*Clips Guest Commentary*

*Our guest author tags universities that support big-time football and basketball as enablers of academic cheating.*

*By Frank G. Splitt, Drake Group, 3-3-09*

**Kudos to *The Chronicle of Higher Education*** for its attention-getting commentaries on academic integrity—beginning with Katherine Mangan's coverage of Donald McCabe's report that business-school students cheat more than students from any other discipline.<sup>1</sup> This was followed by pieces by Chris Bates,<sup>2</sup> who discussed why cheating matters from a student's perspective, and Susan Blum,<sup>3</sup> who says that: "students have only a vague sense of what is meant by the moral quality termed "academic integrity.""

Unfortunately, all of the authors focused on students as the violators of academic integrity—missing the greatest and most consequential violators of academic integrity: the colleges and universities that support big-time football and men's basketball programs. These schools appear to have an even vaguer sense of what is meant by academic integrity. They have learned long ago that if you don't cheat, you don't win—there is no money in academic integrity—payday comes with invitations to football's BCS bowl games and to basketball's NCAA sponsored *March Madness*.

Taking the lead from the NCAA, most of these schools have become masters of rationalization and quite skilled in the arts of deceit, deception, and disingenuousness.<sup>4, 5</sup> Not lost on their students are the facts that these skills are not only used to recruit and maintain the eligibility of professionalized teams for their school's sports entertainment businesses, but also used to maintain the tax-exempt status of these businesses. This modus operandi not only corrupts academic integrity, but seriously compromises institutional credibility as well.

For sure, academic integrity is not a moneymaker and it is not a slippery concept as sometimes alleged. It means being honest, adhering (being true) to a code of honor that does not allow cheating, corruption, taking credit for what is not yours, and not bending the rules to deceive others in the pursuit of fame and fortune. .

With this definition in mind, it would be of great interest to the Senate Finance Committee and the IRS if the authors of the *Chronicle* commentaries and others were somehow able to direct their attention to the determination of the extent to which schools cheat to allow academically-challenged and time-strapped athletes to be passed off as legitimate degree-seeking students that are maintained as an integral part of the student body as required by their tax-exempt status.

The determinations could begin by casting a critical eye toward the athletes-only academic facilities at their own universities. Unfortunately, faculty determinations of this sort are not about to take place as they would likely attract various measures of administrative retribution—perhaps even career-ending retaliation. Given this circumstance, institutional academic integrity will continue to be sacrificed on the altar of moneymaking sports entertainment unless and until the government intervenes to force the NCAA cartel to live up to the requirements of its tax-exempt status. Absent this intervention, the government will continue to subsidize the corruption of academic integrity at America's colleges and universities.

*Frank G. Splitt is a member of The Drake Group, <http://thedrakegroup.org>, and a former McCormick faculty fellow at Northwestern University's McCormick School of Engineering and Applied Science.*

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# Reclaiming Academic Primacy in Higher Education: New Hope for the Future

By Frank G. Splitt

*To be successful, one must cheat. Everyone is cheating, and I refuse to cheat. – Robert Maynard Hutchins, 1939*

*It is worth a take-home exam to discover how the brains behind higher education have lost their minds in the pursuit of football superiority. – Selena Roberts, 2005*

**INTRODUCTION** – Notwithstanding the fact that NCAA Bylaws stipulate that intercollegiate sports are to be subordinate to the academic mission of their member schools; professionalized college sports have severely compromised academic integrity and warped the academic missions at our nation's colleges and universities that support big-time football and men's basketball programs. In other words, the athletic tail has now come to wag the academic dog.

To help reverse this situation, The Drake Group has been working for the past 10 years to reclaim academic primacy in higher education—defending academic integrity in the face of commercialized college sports.<sup>1, 2</sup>

Government-provided 'sunshine' appears to be the only mechanism that has a realistic chance of restoring this academic integrity. Why?—because experience has shown that there is no viable alternative.

In effect, sunshine should force the NCAA cartel (the NCAA and its member institutions) to live up to the tax-exempt requirement that its athletes be legitimate degree-seeking students that are maintained as an integral part of their school's student bodies—or else lose the exemption.

The Drake Group continues to persevere in an effort to have the nonprofit NCAA cartel held more accountable for tax breaks that help fuel its uncontrolled growth.<sup>3</sup> To this end, it has worked with the House Committee on Ways and Means and the Senate Finance Committee—most recently asking the IRS, via Senator Charles Grassley (R-IA), past chairman and now ranking member of the latter committee, to not only report on the NCAA cartel as it has on nonprofit hospitals, but also increase pressure on the cartel for transparency, accountability, and oversight re: their school's sports entertainment businesses ... businesses that are unrelated to the school's core nonprofit activities.

The Drake Group believes it's time for accountability in college sports.<sup>4</sup> What's required is change that would address the government's perverse subsidization of the NCAA cartel—holding it accountable for the substantial financial support it receives from America's taxpayers. This should involve no more than enforcing compliance to its own requirements for the cartel's nonprofit tax exemption.<sup>5</sup>

Past experience and political realities indicate that the executive branch of our government is the best hope for corrective action that can restore academic primacy to higher education. Here's why:

**NCAA CARTEL SUCCESS FACTORS** – The cartel has demonstrated an amazing ability to convince almost everyone that the real evildoers in college sports are those who violate cartel rules by paying athletes as well as an unparalleled ability to exploit the labor of academically challenged athletes from poor families while still managing to maintain 'the moral high ground.' These abilities have helped make the cartel the world's best monopoly.<sup>6</sup>

As evidenced by its flagship *March Madness* basketball tournament, the cartel has achieved remarkable monetary success in its relentless pursuit of profits in its sports entertainment businesses.<sup>7</sup> However, this success has come at great costs—mostly unknown to the general public. Among these costs are the loss of academic integrity and the cost of opportunities lost—including the lost potential of the many academically qualified students denied access to overcrowded schools that provide "scholarships" to academically unqualified athletes. Also, there is the long-term negative impact on America's future economic well being and position on the world stage.<sup>8</sup>

To obtain a better sense of how the cartel is able to operate as successfully as it does, consider the multitude of other powerful factors buttressing their sports businesses:

- The cartel is unregulated and self assessing,
- The American public is addicted to professionalized college sports entertainment—the sports mania syndrome,
- School teams have evolved to become useful fundraising vehicles as well as galvanizing social forces and sources of state pride—fostering strong political connections and influence at state and federal levels,
- The government provides favorable tax policies with little if any oversight,
- The general public and government officials are ignorant of the downsides of professional college sports entertainment,
- The cartel has been able to get by with weak rules enforcement and weak penalties for infractions with top ranked schools while providing laser-like focus on the 'have-nots'—schools with little likelihood of getting a BCS bowl invitation or gaining a birth at the NCAA sponsored *March Madness*,
- Ability to harness powerful legal and lobbying forces, as well use strong public relations departments capable of 'selling' its ineffectual reform programs to the Knight Commission, the media, the general public, and government officials,
- Symbiotic relationships with the media capitalize on the public's sports mania,
- The cartel has exceptional abilities to recruit compliant school presidents and wealthy sports boosters for school governing boards, as well as to intimidate potential opponents—including faculty, accreditation boards, and government officials.

**SOME REVEALING OBSERVATIONS AND INSIGHTS** – The above success factors working alone, or in combination, give rise to the following illuminating observations and insights.

There exists a plethora of scholarly articles and books on college sports reform that leave little doubt as to the disingenuous, tax-avoiding nature of big-time collegiate athletics—especially in the football and men's basketball programs franchised by the NCAA. Unless the government gets involved, America's system of higher education will continue to be held hostage to the professionalized collegiate sports entertainment industry.



Over the years, the NCAA cartel has made a number of rule changes that have emphasized athletics over academics so as to move their D-1A football and men’s basketball programs to professional levels—the NFL and NBA pro sports franchises already rely on colleges and universities to supply their teams with professional-level players many of whom have been coached by former professional coaches.

Compromised academic integrity and warped educational missions now characterize many of America's colleges and universities that have prostituted themselves for fame and fortune by enabling the creation of teams of play-for-pay athletes.

Continued acceptance of this situation by the government is tantamount to federal approval of an entitlement program for the big-time college-sports entertainment business, all but guaranteeing a continuation of its ability to exercise a stranglehold on America's higher-education enterprise.

Additional observations and insights covering academic corruption, counterfeit amateurs, tax matters, and dead-end reform are provided in the appendix.

**THE ‘BOTTOM LINE’** – Over the years the NCAA cartel has been able to evolve a ‘family-style’ modus operandi that has proved to be eminently successful at expanding its commercial interests in the big-time college sports entertainment business while enjoying the monetary benefits of its tax-exempt status and the lax enforcement of the Unrelated Business Income Tax (UBIT) code. The NCAA cartel continues to elude serious reform by creating illusions of reform and co-opting several reform-minded organizations, as well as using presidents to provide the cartel with a respectable academic front.

There is concern not only about compromised academic integrity, but also about the distracting influence of overly commercialized college sports on school officials, on America’s youth, and on the nation’s prospects as a leader in the 21<sup>st</sup> century’s highly competitive global economy.

Many of America’s colleges and universities are deteriorating while on a government-subsidized quest for sports-related revenues—compromising their integrity and warping their academic missions. Unfortunately, there are no visible means to reverse what appears to be a downward spiral into a pervasive beer-and-circus modus operandi at these institutions. This scenario and its potentially catastrophic consequences have heretofore been either invisible to or ignored by the general public as well as those in the highest circles of the U.S. government.

*Telling the truth about a given condition is absolutely requisite  
to any possibility of reforming it. – Barbara Tuchman*

**HOW COULD THIS EVER HAPPEN?** – Serious reform could have come about if the NCAA cartel simply told the truth about the operations of its sports entertainment businesses. That never happened because truth telling would have exposed the cartel’s noncompliance to the un-enforced rules governing its nonprofit status.

So why was this situation allowed to develop to the point where the athletic tail wags the academic dog to the extent it now does? The answer is simply money, and lots of it. Also, the remedies were likely to be painful—requiring political will backed by considerable amounts of courage—and there is little public outrage over drugs and corruption in college sports, likely a combination of public apathy and the superb job done by cartel public relations.

Thus far, tolerating cheating in college sports via performance- academic corruption and enhancing drugs appears to be preferable to confronting the formidably resourced cartel. As Stephen Ross,

chairman of Penn State's Sports Law Institute, has put it: "Congress only cares if the people they talk to care." So, if their constituents aren't complaining, they aren't either.

With but few exceptions, elected government officials have not been brave enough to risk the wrath of their constituents and re-election defeat by requiring cartel compliance to the government requirements for tax exemption as a nonprofit organization—best explained by example. In March 2007, Senate Budget Committee Chairman Kent Conrad (D-ND) was asked why nothing was being done in Washington about looming financial troubles. He responded, saying: "It's always easier not to (respond). Because it's always easier to defer, to kick the can down the road to avoid making choices. You know you get in trouble in politics when you make choices."<sup>9</sup>

Therefore, it should come as no surprise that there has been no bipartisan follow-up in Congress on the strong effort of retired Rep. Bill Thomas (R-CA) the 109th Congress' House Ways and Means Committee chairman, to have the NCAA provide justification for its tax-exempt status. Furthermore, Senator Grassley has faced political obstacles in his effort to significantly improve the transparency, accountability and oversight of the cartel.

So, it is most likely that Senator Grassley's congressional colleagues will simply continue to ignore the issue—leaving him to stand alone in his effort to have the cartel members justify its tax-exempt status. Under this circumstance, reform would not come anytime soon, if ever, no matter how corrupt, disingenuous and debilitating the operations of the collegiate sports industry continue to be.

Similarly, appointed school officials have not been brave enough to risk campus upheavals or loss of a prestigious, well compensated position by not being re-appointed by a booster-led governing board.

**WHAT'S NEXT?** – The slow but sure decline of America's educational system will continue, unless and until the growth of the professionalized college sports entertainment industry is restrained by forcing the NCAA cartel 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.

Meaningful reform in collegiate athletics will certainly not be led by those with a vested interest in the status quo: NCAA officials, college and university presidents, governing boards, coaches, and athletic conferences.

Similarly, experience indicates that the Knight Commission on Intercollegiate Athletics and the U.S. Department of Education, as well as state/regional accreditation boards, are not up to the task.

Faculty-based, reform-minded organizations such as The Drake Group and the Coalition on Intercollegiate Athletics can help lead the way, but simply do not have the wherewithal to confront the collegiate sports entertainment industry by themselves, without the help from the government.

To halt the NCAA cartel's abuse of its tax policies, the government needs to enforce its own rules on tax-exempt organizations—building into this nonprofit sector strong measures of transparency, accountability, and oversight adequate to the truth-finding purpose of these measures.

Without government intervention, the NCAA cartel will be left to its profligate spending—operating 'foot loose and fancy free'—with the government continuing to subsidize the corruption of academic integrity at America's colleges and universities as well as continuing to jeopardize the future well being of America by helping to destroy one of its most precious resources.

**BREAKING THROUGH OVER TIME** – Today's epic financial crisis coupled with the rise of intense global competition may serve as a loud and compelling wake-up call for Americans at all levels to rise above their obsession with professional-level college sports entertainment—coming to understand that the continuation of this obsession would not bode well for the future of higher education in America as well as for America's stature on the world stage. This understanding could pave the way for America's colleges and universities to reprioritize their values—making capital and human resource investments that place academics well above athletics.

The persistent efforts of Senator Grassley and reform-minded faculty organizations such as the Drake Group and the Coalition for Intercollegiate Athletics could help catalyze a process whereby college sports reform would come sooner rather than later. Only time will tell if Congress and the American public hear and respond to the wake-up call.

**NEW HOPE FOR THE FUTURE** – Notwithstanding the above, there is reason for optimism, simply stated: President Obama ‘gets it.’

On March 10, 2009, in his first big speech on education policy, the president said America must drastically improve student achievement to regain lost international standing, saying: The future belongs to the nation that best educates its citizens. We have everything we need to be that nation ... and yet, despite resources that are unmatched anywhere in the world, we have let our grades slip, our schools crumble, our teacher’s quality fall short and other nations outpace us.”

The president’s remarks reflect breakthrough thinking—applicable to the restoration of academic primacy in higher education. It now appears that hope for college sports reform would be better placed in the executive branch of government.

All things considered, President Obama is well positioned to provide requisite leadership. He is likely the best hope for setting the right priorities at America’s colleges and universities—getting college sports subordinated to the school’s academic missions.

*Frank G. Splitt is a member of The Drake Group, <http://thedrakegroup.org>, and a former McCormick faculty fellow at Northwestern University's McCormick School of Engineering and Applied Science.*

## **APPENDIX – ADDITIONAL OBSERVATIONS AND INSIGHTS**

**Academic Corruption** – In an era when the demand for blue-chip athletes with the qualifications for college-level academics far exceeds availability, schools resort to academic corruption—in other words, cheating.<sup>10, 11</sup>

Cheating enables schools to not only recruit and keep academically disadvantaged athletes eligible to work full time at their jobs as professional athletic entertainers, but also provide the illusion that these athletes are not only amateurs but bona fide students as well. The NCAA cartel invests heavily in PR aimed at enforcing this illusion while its attorneys and lobbyists work to ensure that this big lie is taken for the truth by the courts and the U. S. Congress.

Corruption is driven by big money and is enabled by the cartel’s cozy relationships—cultivated over the years—with people and organizations that would normally have been expected to reign in corruption and the out-of-control commercialization of college athletics.

The Knight Commission on Intercollegiate Athletics, the print and TV media, and members of federal state governments, stand at the top of the list of those long on reform talk but short on decisive action. People who should know better simply "look the other way," are taken in by the cartel’s spin-masters, simply go along to get along, or, salve their consciences with the rationalization that a degree from their school—with its door-opening potential—makes up for a second-rate education.

Schools learned long ago that academic integrity is not a moneymaker<sup>12</sup> and that it can be breached at multiple levels if they are intent on winning at any cost. Rubber-stamp accreditation by weak, or, intimidated accreditation organizations make the breaching task a no-brainer for big-name schools.

Most school administrators have become masters of rationalization and quite skilled in the dark arts of deceit, deception, and disingenuousness. Not lost on their students are the facts that these skills are not only used to recruit and maintain the eligibility of professionalized teams for their school's sports entertainment businesses, but also used to maintain the tax-exempt status of these businesses—a modus operandi that not only corrupts academic integrity, but also seriously compromises institutional credibility.

**Counterfeit Amateurs** – There are striking parallels between the uncontrolled, greed-driven, anything-goes operations and excesses that took place on Wall Street, with its misrepresentation of material assets in the form of disadvantaged financial instruments, and those in the NCAA cartel’s college sports businesses, with its misrepresentation of material assets in the form of disadvantaged academic instruments—counterfeit amateurs or so-called student-athletes.<sup>13, 14</sup>

Most college athletes participate in an alternative educational experience that is not part of their school’s serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school’s athletic department—graduating with diploma-mill-type degrees in general studies and the like.

First-class athletes-only academic facilities staffed by tutors, counselors and learning specialists, as well as equipped with the latest computer technology and other amenities to demonstrate (showcase) that academically challenged athletes are provided with all the resources they need to do serious academic work—except for the critical elements of ability and time.<sup>15</sup>

**Tax Matters** – The cartel's big tax breaks are sustained by a combination of secrecy, cheating, lack of federal oversight, and blatant hypocrisy. School administrators seem to believe that outcomes assessment is none of the government's business. Without an independent outcomes assessment of student learning, the government has to take a school's word on Graduation Rates and Academic Progress Rates for their athletes.

The NCAA cartel avoids disclosure of any information that could prove damning or embarrassing by misapplying the privacy provisions of the Family Educational Rights and Privacy Act (FERPA)—especially in the case of the academic performance of the athletes in their moneymaking sports businesses.

Huge athletic endowments are built by tax-deductible contributions made at the expense of academic endowments. These funds, along with tax-deductible donations from wealthy boosters, are used to fuel the athletic facilities arms race that spans football stadiums and basketball arenas complete with luxury suites, academic and training facilities for athletes, and other related investments. A stealthy byproduct of big-time college athletics programs comes in the form of debt incurred via these sometimes enormous investments

**Dead-end Reform** – The history of college sports reform tells us that no matter how compelling the arguments for corrective measures, market and political realities dictate that nothing of consequence will be done for a variety of reasons, not the least of which are an abundance of corrupting, tax-free money and related benefits at stake.

Given the enormous broadcasting revenues at stake, the NCAA Cartel suffers from a severe case of self conflict ... conflict between its sometimes-contradictory roles as promoter and governor of intercollegiate athletics. Cartel originated pseudo reforms have been akin to window dressing—attempting to repair a severely torn garment by polishing one of its tarnished buttons. Simply stated, the cartel is wholly incapable of reforming itself.

School officials tend to cast a blind eye toward academic corruption as well as the use of performance enhancing drugs and personal violence by athletes, while members of the coaching staff treat athletes as commodities—demanding they give their lives to sports thus leaving little if any time for campus life as an integral part of the student body, let alone time for serious academic work.

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The NCAA mandates that athletes should spend no more than 20 hours a week practicing, playing and training; however, its own survey of Division 1-A football players found that the average player puts in more than 40 hours per week—that's nothing less than a full-time job as an athlete.

# The Drake Group

## *Defending Academic Integrity in the Face of Commercialized College Sports*

March 17 2009

Subject: Higher Education – An Open Letter to the President and His Administration

Dear Mr. President:

*This letter is written on behalf of The Drake Group (TDG), <http://www.thedrakegroup.org/>. Its purpose is to request your help in restoring academic primacy in America's system of higher education.[1]*

We, TDG, are a national network of volunteers—college faculty, administrators, coaches and concerned citizens. Since our founding in 1999, TDG has worked to reclaim academic primacy in higher education—defending academic integrity in the face of the commercialized college sports entertainment industry. We believe that academic integrity has been compromised and higher education's academic mission subordinated by this industry, more specifically, by the National Collegiate Athletic Association (NCAA) and its member institutions—hereafter collectively referred to as the *NCAA*. We also believe your recent remarks on education policy reflect breakthrough thinking—directly applicable to our mission.

The challenge before us is to get academics-over-athletics priorities re-established at America's colleges and universities that are held captive to the NCAA's commercial interests in its sports entertainment businesses. Such interests appear to be first and foremost to the NCAA, not the interests of college athletes and American taxpayers. Simply stated, the NCAA has a stranglehold over schools that support big-time football and men's basketball programs as well as over America's sports captivated public.

The unregulated commercialization of college athletics has had a harmful effect on the academic integrity and the academic missions of the *NCAA*'s member schools. Compromised academic integrity and distorted educational missions now characterize many of America's colleges and universities that have allowed themselves to be driven by a quest for fame and fortune—enabling the creation of teams of professional athletes by exploiting the labor of athletes, play-for-pay, counterfeit amateurs, who are supposed to be students first.

As evidenced by its flagship *March Madness* basketball tournament, the NCAA has achieved remarkable monetary success.[2] However, this success has come at great costs—mostly unknown to the general public. Beyond the loss of academic primacy, there is the cost of opportunities lost—including the lost potential of academically qualified students denied access to schools that provide costly 'scholarships' to academically unqualified athletes. What's more, there are many academically qualified athletes who seek to earn a degree in disciplines such as physics, mathematics, chemistry and engineering, but, instead, are dissuaded from pursuing such majors and are "clustered" [3] into majors that ensure their athletic eligibility at the expense of their intellectual talent/academic interest. Worse yet is the long-term negative impact on America's future economic well-being and position on the world stage.

Described by the U.S. Supreme Court as a "cartel,"[4] the *NCAA* is seemingly untouchable. Backed by formidable financial, legal and political resources; it continues to elude serious reform by creating illusions of reform. College sport has become an unrelated business of many schools that have drifted away from their educational missions—adopting a commercial model and becoming a pipeline for the pros rather than an integral part of academe.

We believe it is time to address the government's subsidization of the *NCAA*—to hold the NCAA accountable for the substantial financial support it receives from America's taxpayers and to halt the NCAA's misuse of federal tax policies. So, TDG continues to persevere in an effort to have the, nonprofit, NCAA held more accountable for tax breaks that help fuel its uncontrolled growth. To this end, we have been working with the House Committee on Ways and Means (HCW &M) and the Senate Finance Committee (SFC).

Our work has led to: 1) A 2006 letter to the NCAA president from the HCW & M chair containing sharply worded questions re: the justification of the NCAA's tax-exempt status; 2) Comments in 2007 on the Draft of a Redesigned IRS Form 990; and, 3) A 2009 request to the IRS, via Senator Charles Grassley, ranking member of the SFC, to not only report on the NCAA as it has on nonprofit hospitals, but also increase pressure on NCAA members to further disclose their inner financial workings to see if they are using their nonprofit status to avoid paying taxes on their unrelated sports entertainment businesses.

We ask your administration to assist Senator Grassley's effort to enforce compliance of federal requirements for the NCAA's tax exemptions—building into this nonprofit sector strong measures of transparency, accountability, and oversight adequate to their purpose.

Government intervention appears to be the only mechanism that has a realistic chance of restoring academic primacy in higher education. Shining a light on NCAA operations will force the NCAA to not only comply with its basic purpose[5] and its principle of amateurism,[6] but more importantly, comply with the tax-exempt requirement that its athletes be legitimate degree-seeking students that are maintained as an integral part of their school's student bodies—or else lose the exemption.

If America is going to continue to maintain a position of leadership on the 21st century's world stage, then it not only needs to invest in its institutions of higher education to ensure our nation's continued competitiveness and security, but it also needs to get its educational priorities right—restoring academic primacy to higher education.

Political realities indicate that you and the executive branch of our government provide the best hope for getting this done.

Respectfully submitted,

Dr. Kadence Otto, President, kotto@wcu.edu

Dr. Frank G. Splitt, Member, fnjsmp@aol.com

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1. This letter is keyed to salient points from the essay, "Reclaiming Academic Primacy in Higher Education: New Hope for the Future," [http://thedrakegroup.org/Splitt\\_New\\_Hope.pdf](http://thedrakegroup.org/Splitt_New_Hope.pdf).
  2. Currently the NCAA is in the midst of an 11 year/\$6 billion contract with CBS.
  3. See Fountain, J.J. & Finley, P. S. (2009). Academic majors of upperclassmen football players in the Atlantic Coast Conference: An analysis of academic clustering comparing white and minority players. *Journal of Issues in Intercollegiate Athletics*(2), 1-13. Available at: [http://csri-jiaa.org/documents/publications/research\\_articles/2009/JIIA\\_2009\\_1\\_Fountain\\_Publish%20Copy\\_1.0.pdf](http://csri-jiaa.org/documents/publications/research_articles/2009/JIIA_2009_1_Fountain_Publish%20Copy_1.0.pdf)
  4. *NCAA v. Board of Regents of the University of Oklahoma et al.* (1984).
  5. The basic purpose of the NCAA is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body, and by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports (NCAA Manual, 2008-09, Bylaw 1.3.1 – Basic Purpose).
  6. Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises (NCAA Manual, 2008-09, Bylaw 2.9 – Principle of Amateurism).

## NOTE

This letter is keyed to salient points from the essay, "Reclaiming Academic Primacy in Higher Education: New Hope for the Future," [http://thedrakegroup.org/Splitt\\_New\\_Hope.pdf](http://thedrakegroup.org/Splitt_New_Hope.pdf). The URL has been changed to [http://drakegroupblog.files.wordpress.com/2013/01/splitt\\_new\\_hope.pdf](http://drakegroupblog.files.wordpress.com/2013/01/splitt_new_hope.pdf)

Frank G. Splitt  
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# The brutal truth about college sports: Who will tell the president?

By Frank G. Splitt

March 24, 2009

**Preface** – The Drake Group’s Open Letter to the President and His Administration<sup>1</sup> was delivered to the White House the same day, Wednesday, March 18, 2009, that Doug Lederman reported on Florida State’s fight against charges of academic corruption<sup>2</sup> and President Obama announced his ‘final-four’ picks for the NCAA’s *March Madness* Basketball Tournament.<sup>3</sup> Taken together these three events reveal a troubling story—headlined telling the brutal truth about college sports.<sup>4</sup>

**The Open Letter** – The open letter to the president addressed the challenge to get academics-over-athletics priorities re-established at America’s colleges and universities that are held captive to the NCAA’s commercial interests<sup>5</sup>—asking for assistance from the executive branch of government to see that compliance to federal requirements for the NCAA’s tax exemptions are enforced.

The letter stated that The Drake Group believes it is time to address the government’s subsidization of the NCAA—to hold the NCAA accountable for the substantial financial support it receives from America’s taxpayers and to halt the NCAA’s misuse and abuse of federal tax policies. It also stated that the Group believes reform is highly unlikely without government action—implying that the tax issue is the NCAA’s Achilles heel.

Secretary Arne Duncan, U.S. Department of Education, received a copy of the related press release—along with additional background and reference material—as did Senator Charles Grassley, the past Chair and now Ranking Republican Member of the Senate Finance Committee, and several other members of Congress.

**The Lederman Report** – The Lederman report prompted a number of comments<sup>6</sup> related to the corruption at America’s colleges and universities supporting big-time football and basketball programs. Most members of Congress likely hope nobody will pay attention to this corruption and the related erosion of academic integrity, as well as notice their long-time failure to oversee the NCAA cartel as it worked over the years to professionalize big-time football and men’s basketball programs.

Sportswriters are no doubt as conflicted as members of Congress when it comes to exposing the NCAA as it continues to employ secrecy and disingenuousness as it resists the establishment of meaningful measures of transparency, accountability, and oversight. The simple act of asking the NCAA and/or its member schools to tell the truth about their operations could risk job security.

**The President’s White House Pick’em** – The picks were made at a White House event orchestrated by ESPN and accompanied by a great deal of hoopla and national evening news coverage. *March Madness* provides a good case in point for the real madness and greed associated with the NCAA’s tournament that is now in full swing. To get an overall sense of “what’s going on,” see the related stories.<sup>7-11</sup>

It is indeed troubling to think that the vision of our athletics-minded president has been colored by a combination of his love of the game, NCAA PR, and the excitement of this manifestation of the American public’s sports’ mania. Apparently he does not seem to realize that the higher a team’s ranking for the NCAA’s *March Madness* Basketball Tournament, the more likely it is that team members were recruited and kept eligible by corruption—egregious, secretive cheating of one sort or another. Like cream, the very best cheaters rise to the top. The same applies to team rankings for BCS football bowl games.

**Concluding Remarks** – Notwithstanding the Open Letter to the President, many reform-minded academics are left to wonder if President Obama would be open to learning the brutal truth about the widespread, greed-driven corruption in the NCAA’s college sports entertainment businesses—even though the corruption correlates closely with the root cause of many of the problems he is confronting in other sectors of the business community



Perhaps it will be up to Education Secretary Duncan to reveal the truth to the president—counseling him by saying: If America is going to continue to maintain a position of leadership on the 21st century's world stage, then it not only needs to invest in its institutions of higher education to ensure our nation's continued competitiveness and security, but it also needs to get its educational priorities right—restoring academics-over-athletics primacy to higher education.

*Frank G. Splitt is a member of The Drake Group, a former McCormick Faculty Fellow at Northwestern University, and a vice president emeritus of Nortel Networks.*

#### **NOTES**

1. Otto, Kadence and Frank G. Splitt (on behalf of The Drake Group), "Open Letter to the President and His Administration," Press Release, March 18, 2009, <http://thedrakegroup.org/Obama.pdf>.
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4. For context see Skip Rozin's, Sept. 15, 2005, *Wall Street Journal* column, "The Brutal Truth About College Sports," and my related Oct. 5, 2005, letter, "Who Wants to Tackle Biggest Man on Campus?."
5. Many of our nation's top research universities have drifted from their educational mission and instead, have allowed big-time college sports to operate as unrelated businesses rather than an integral part of higher education.
6. Comments can be accessed at <http://www.insidehighered.com/news/2009/03/18/vacation#Comments>
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# Cleaning up the Mess in College Sports: Demands More than Policy Statements

By Frank G. Splitt

Doug Lederman opened a recent *Inside Higher Ed* news report by saying what has been obvious for many years (if not decades), to wit: Members of college and university governing boards interfere inappropriately "in the hiring of coaches and other decisions, emphasizing sports to the exclusion of other, arguably more central, institutional matters." [1]

Letterman's remarks were prompted by the latest attempt by the Association of Governing Boards (AGB) to improve the operation of governing boards relative to college sports [2]—an attempt akin to painting brighter stripes on a paper tiger. Clarifying the role of a governing board—re: its fiduciary responsibility and oversight for intercollegiate athletics and to outline a mechanism for a clear two-way, chain of accountability involving board members, presidents, athletics directors, and coaches—looks good on paper, but has little chance of success in the real world of governing boards.

Just like the NCAA, governing boards have conflicting interests and are, as a consequence, wholly incapable of reforming themselves without considerable outside help. Providing the illusion of reform is a standard *modus operandi* intended to give the appearance that college presidents are exerting their authority to keep sports in perspective on their campuses, and that they not only have the support of their governing boards, but are not subject to interference as well.

This *modus operandi* is important as colleges and universities labor to preserve the status quo as they go through the NCAA's certification process. Here it is to be noted that the AGB and The Knight Commission on Intercollegiate Athletics work in partnership with the NCAA that has an amazing ability to co-opt its partners

The AGB policy statement says: "What's more, the increasingly commercialized nature of major sports at the highest competitive levels and a widening gulf between the athletic and academic cultures at some institutions and in some communities have negatively affected the reputation and public standing of higher education as a whole.....Restoring balance between sports and education continues to be elusive. If efforts to achieve an appropriate balance are to succeed, governing board members will need to lend consistent and public support to their chief executives and academic leaders who are at the forefront of such discussions."

But a whole lot more needs to happen as well.

Balance will continue to be elusive no matter what AGB policy statements say so long as the NCAA continues to promote professional-level collegiate athletics as moneymaking entertainment businesses via its aggressive commercial approach—making commercialization a priority for the NCAA and its member schools. This commercial approach exploits the labor of academically challenged athletes from poor families and the penchant for wealthy-booster board members to clamor for winning teams at any cost.

There is much work to be done to clean up the mess in college sports. As the AGB's Richard Skinner has said: "the time has never been better for the trustees' group and others concerned about public "cynicism" about college sports to do what they can to make sure that boards are "appropriately skeptical of the whole phenomenon." Also, the time has never been better for the AGB and the Knight Commission to endorse The Drake Group's call for transparency, accountability, and oversight of the NCAA and the athletic programs at its member schools.[3]

In the meantime, the wealthy boosters currently sitting on governing boards will continue to run roughshod over fellow board members and/or presidents on athletics issues; and, the AGB's campaign will prove to be an exercise in futility—that is, unless and until there is an appropriate level of government intervention.[4]

*April 10, 2009*

*Frank G. Splitt, a member of The Drake Group, is a former McCormick Faculty Fellow at Northwestern University and a vice president emeritus of Nortel Networks.*

#### **NOTES**

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3. Splitt, Frank G., "Best Remedy for the College Sports Mess: Transparency, Accountability, and Oversight," [http://www.thedrakegroup.org/Splitt\\_Best\\_Remeddy.pdf](http://www.thedrakegroup.org/Splitt_Best_Remeddy.pdf)
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# America's Failing Education System: It Can Still Be Fixed

By Dr. Frank G. Splitt

*If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged, staggering from one crisis to another.*  
—Aurelio Peccei and Alexander King, *The Club of Rome*, 1977

**Preface** – A clear, present, and future danger faced by the United States is its failing, if not broken, education system. It is now twenty-six years since the publication of the report, *A Nation at Risk*, by the National Commission on Excellence in Education that found poor academic performance at nearly every level. The report warned that America's education system was "being eroded by a rising tide of mediocrity." Today, the system is still faced with serious unresolved problems of crisis proportions—amounting to an unannounced national scandal, perhaps a national disaster. But there is now some hope that the system can be fixed.

On March 10, 2009, in his first major statement on education policy, President Obama said America must drastically improve student achievement to regain lost international standing, further saying: "The future belongs to the nation that best educates its citizens. We have everything we need to be that nation ... and yet, despite resources that are unmatched anywhere in the world, we have let our grades slip, our schools crumble, our teacher's quality fall short and other nations outpace us."

The situation is certainly not improving as yet, but the President and his Administration are well positioned to bring about change. Education Secretary Arne Duncan has centered the Department of Education's policy around high education standards and its mission on promoting student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. He has set an ambitious goal of getting America back on track with the help of the American Recovery and Reinvestment Act and the so-called 'Obama Effect'—returning America to being number one in the world in high school and college graduation rates, school readiness, academic achievement, college matriculation and retention, and completion rates.<sup>1</sup>

It is my understanding that Secretary Duncan plans to hold listening sessions across the country later this spring to solicit feedback from a broad spectrum stakeholders—individuals concerned with issues surrounding America's educational system. This essay expresses opinions that will hopefully be considered part of that conversation.

**A Troubling NAEP Report** – According to the government's most recent National Assessment of Educational Progress (NAEP) report,<sup>2,3</sup> U.S. high-school students haven't achieved any significant gains in reading or math for nearly four decades. U.S. Secretary of Education Arne Duncan called the long-term trends for high-school students "especially troubling." Susan Traiman, director of public policy at the

Business Roundtable, an association of chief executives, called the high-school NAEP scores "unacceptable and really reinforce the fact that high-school reform is long overdue." President Obama has said boosting high-school-graduation rates is a key element of his yet-to-be-detailed education agenda.

The NAEP report is but the most recent indicator that our nation's education system is failing—coming at a time when colleges and employers are complaining that too many students earn diplomas without learning the skills needed for college or the workplace. Simply stated, America's education system is not positioned to provide world-class K-College educations for its citizens. If the future indeed belongs to the nation that best educates its citizens, then unless corrective action is taken, America is doomed to a bleak future with an uncompetitive workforce and loss of its leadership position on the world stage.

**Are We Rome?** – 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 take off 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.

**An Early Warning** – 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.

It is of interest to note that it is exactly 26 years since the White House ceremony at which then President Ronald Reagan took possession of the NCEE's report that found poor academic performance at nearly every level and warned that the education system was "being eroded by a rising tide of mediocrity."

The report famously stated: "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it

stands, we have allowed this to happen to ourselves." Education historian Diane Ravitch<sup>4</sup> called *A Nation at Risk* "the most important education reform document of the 20th century."

**More on *A Nation at Risk*** – Notwithstanding the merits of the NCEE report, the National Education Association's executive committee assured its members that the report was "just another passing fad that would fade like the morning haze."

The *Nation at Risk* report was followed by muddling ahead with much tough talk about public schools and reforms in many publications and at many conferences. The Bush administration's *No Child Left Behind* law followed some 19 years later. This inadequately funded law pushed schools to improve students' basic skills or face ever-tougher sanctions, but has produced only modest results as can be seen in the NAEP report.

Many other K-12 reform initiatives have been blocked or restricted by teacher's unions—most recently, vouchers<sup>5</sup> and the privately-funded *Teach for America* program that sends college grads into America's poorest school districts for two years.<sup>6</sup>

No expense seems to be spared to create the illusion that students in America's inner-city K-12 schools are receiving the level of education reported by the schools; see the transcript of the *Bill Moyers Journal* program with guest David Simon, Executive Producer of the HBO Program THE WIRE.<sup>7</sup> The transcript provides valuable insights not only into inner-city education, but also insights that are largely applicable to the education of the NCAA's so-called student athletes. It should be required reading for all who are serious about fixing America's education system.

**The Higher Education Gap** – Over the years, the athletics-over-academics and win-at-any-cost operating strategies employed by colleges and universities to compete successfully in big-time, revenue-producing sports has led to the current mess in professional college sports—none the least of which involves the loss of integrity and academic primacy in our institutions of higher education.

This mess—when coupled with the American public's lack of understanding of the long-term consequences of our nation's obsessive behavior with respect to professional college-sports entertainment and government policies that enable big-time college sports to thrive as a business that operates minor league teams for the NBA and NFL<sup>8</sup>—has the characteristics of a national scandal, perhaps a national disaster when seen in the light of President Obama's claim that the future will belong to the nation that best educates its citizens. Several negative consequences of the above are readily apparent, including but not limited to those listed in the appended NOTES.<sup>9</sup>

All of this is to be contrasted with the obsession of our nation's foreign competitors with high quality education at all levels and has the makings of a serious education gap—a high price to pay for professional college sports entertainment.

**Resistance to College Sports Reform** – Efforts to restore academic integrity in our colleges and universities have been blocked by the NCAA and its member institutions that receive aid and comfort via America's obsessive sports culture....a culture that values athletics over academics.

Colleges and universities supporting big-time football men's basketball programs continue to cheat—using easily gamed statistics ('juking the stats'), investing in expensive jock-only academic facilities, and other mechanisms to create the illusion that their professional athletes receive a legitimate rather than

a pretend college education.<sup>10</sup> The schools also strongly resist reform measures that would expose their cheating.

In a recent meeting with representatives of the credit-card industry, President Obama called for reforms that would provide more clarity and transparency to the industry. This is essentially the same call his administration has made to the banking, insurance, and investment communities, but not to the education community—certainly not to the seemingly untouchable, greed-driven college sports entertainment industry that not only operates behind a veil of secrecy, but also has no functioning system of accountability and no independent oversight.

**Resistance to K-12 Reform** – As with professional college sports, K-12 reform measures are stubbornly resisted to protect the status quo—leading to another perspective on America's Education Gap that, for the sake of credibility, the gap must not be ignored by President Obama and his administration. This perspective comes from Jay P. Greene who says "It's time for reformers to increase pressure on politicians bending to the will of the unions and close the new education gap—the one between what Mr. Obama and Mr. Duncan say about education and what they do."<sup>11</sup>

**Concluding Remarks** – All of education and its problems are connected beginning with pre-school on up through post-secondary schooling. Stanton R. Cook, Retired Chairman, Tribune Company and Life Trustee at Northwestern University, captured the essence of the present situation when he said: "I'm staggered at the complexity of the total problem.... I believe that achieving the stated goal (of reclaiming academic primacy in higher education) would not only be a boon to colleges and universities in the long run, but would also provide a tremendous, and needed, national challenge to primary and secondary education. The challenge would be to improve the quality of their graduates, and in the process, enable many school districts to emerge from a morass of continued mediocrity."<sup>12</sup>

Nonetheless, as challenging as the problems may be, President Obama and Secretary Duncan can begin fixing America's failing education system that is encumbered by parasite-like organizations that feed off this educational system at all levels—thwarting reform efforts as they defend the status quo and their vested interests. Some thoughts and guidelines that may be useful in the fixing process are as follows:

1. Work to dispel the notion that the Obama Administration is beginning to develop a credibility gap—between what they say and what they do in education. It is effective action rather than words that brings about change.
2. Recognize that fixing America's education system goes far beyond the classroom—involving family values as well as neighborhood and cultural circumstances. For example, see the transcript of *Bill Moyers Journal* program with guest David Simon.<sup>7</sup>
3. Recognize that although K-12 teachers, administrators, and union representatives must be part of the fixing process, they need to forego obstruction mechanisms and become part of solutions.
4. Solutions in the form of best available practices should be aimed at what is best for the students in their particular set of circumstances.
5. Recognize that these solutions may very well involve creative destruction of components of the failing system as opposed to job creation and retention.

6. Conduct independent assessments of voucher systems and charter schools to determine their fit in a matrix of best practices and circumstances.
7. Pressure colleges and universities to provide outcome assessments of their graduates.
8. Get America's colleges and universities to focus on education rather than athletics by working with the Congress to restrain the uncontrolled growth of their college sports entertainment businesses.
9. Use the Recovery Act's State Fiscal Stabilization Fund to hold a state's schools (colleges and universities as well as high schools) accountable for funding academic rather than athletic projects.
10. Call for transparency, accountability, and oversight at all levels of America's education system.

In view of the above and President Obama's Education Policy Statements, the time has never been better for the President and Secretary Duncan to take a bold first step—mandating transparency, accountability, and oversight at all levels of America's education system.

In any case, action will speak much louder than words.

May 3, 2009

*Frank G. Splitt, is a member of The Drake Group (TDG), <http://thedrakegroup.org/>, a former McCormick Faculty Fellow at Northwestern University, and a vice president emeritus of Nortel Networks.*

*TDG, is a national network of volunteers—college faculty, administrators, coaches and concerned citizens. Since its founding in 1999, TDG has worked to reclaim academic primacy in higher education—defending academic integrity in the face of the commercialized college sports entertainment industry. TDG believes that academic integrity has been compromised and higher education's academic mission subordinated by this industry, more specifically, by the National Collegiate Athletic Association (NCAA) and its member institutions. TDG also believes President Obama's recent remarks on education policy reflect breakthrough thinking—directly applicable to its mission, for example see TDG's open letter to the president.<sup>13</sup>*

## **AFTERWORD**

Shortly after the May 5, posting of above essay, a flurry of related pieces were published in *The Wall Street Journal*. They tell a sad story reflecting a growing perception that the Obama Administration has developed a credibility gap re: its education policy—the difference between what it says and what it does. To the best of my knowledge, the *Journal* is the only major newspaper that covered the story.

Taken together with the May 5, editorial<sup>14</sup> and William McGurn's *Mainstreet* column,<sup>15</sup> former Secretary of Labor Elaine Chao's op-ed<sup>16</sup>—on the Obama Administration's attempt to limit disclosure—paints an ugly picture of political payoff at work in America's system of education.<sup>17</sup> It also illuminates the Administration's expanding credibility gap.

George McGovern, a former senator from South Dakota and the 1972 Democratic presidential candidate, put it well in an op-ed,<sup>18</sup> saying: "But while the Democratic majority in Washington confers the power to reward our loyal supporters, today's problems require solutions that transcend party politics. Even when that means taking unpopular stands."



Capping all of the above was a scathing opinion piece by Jason Riley, a member of the *Journal's* editorial board. Riley laid it on the line with a headline "A President and His Priorities" and subtitle, "Obama's education crimes and misdemeanors" that served as a harbinger for a critical account of the of the inconsistencies in the Obama Administration's different-strokes-for-different-folks approach to resolving contentious issues.

This scenario brings to mind the following comment by Warren Buffett: "It takes years to build a reputation and five minutes to ruin it. If you think about that, you'll do things differently."

Surely, President Obama and Secretary Duncan must realize that those concerned with improving America's education system—in the sense that it will do what's best for its students and the nation—will now be looking to what they do, not what they say.

Hopefully President Obama and Secretary Duncan will do things differently and so maintain their reputations as education reformers and avoid being remembered for so-called education crimes and misdemeanors.

May 12, 2009

## NOTES

1. The Department of Education Progress Report, accessible at <http://www.ed.gov>
2. Information about the NAEP report is available on the U.S. Department of Education Website, <http://nces.ed.gov/nationsreportcard/>
3. Tomsho, Robert, "Few Gains Are Seen In High School Test," *The Wall Street Journal*, April 29, 2009
4. Dianne Ravitch has also been one of our nation's top education officials. She was my guest as the keynote speaker at the 1992 SUPERCOMM Conference in Chicago at which time she was the assistant secretary for educational research and improvement at the U.S. Department of Education.  
Although Ravitch was optimistic about the prospects for change, she said it would not come easily, willingly, or quickly, an opinion that was shared by Denis Doyle, a fellow advocate for educational reform and co-author with David Kearns of the 1989 book *Winning the Brain Race*.  
Lamar Alexander, (then) Secretary of Education, remarked that Kearns and Doyle have advanced a six-point program for reform which includes allowing students to choose the schools they wish to attend, opening schools year round, abolishing traditional grading structures, and raising academic standards for graduation, this important book offers ". . . a radical agenda, a perestroika for American schools."
5. It appears that politics trumped educational freedom in the District of Columbia where a voucher program covering 1,700 poor, inner-city children was discontinued. *The Wall Street Journal* has opined that Senator Durbin is a leader in the campaign to kill vouchers at the behest of teachers's unions, ["Democrats and Poor Kids: Sitting on evidence of voucher success," *The Wall Street Journal*, REVIEW & OUTLOOK, April 6, 2009].  
Secretary Duncan responded (indirectly) to the above and Jay Greene's *Journal* pieces with his own op-ed, "School Reform Means Doing What's Best for Kids, [*The Wall Street Journal*, April 22, 2009], calling for an honest assessment by states of key issues like teacher quality, student performance, college-readiness, and the number of charter schools. For more see Robert Tomsho's article. Demand for Charter Schools is High, Seats Are Few: Obama wants to Expand the Alternative Program, but Laws, Labor Unions Will Make That Hard to Achieve," [*The Wall Street Journal*, April 23, 2009].
6. Editors, "Teach for (Some of) America: Too talented for public schools," *The Wall Street Journal*, REVIEW & OUTLOOK, April 25-26, 2009
7. Transcript of Bill Moyers *Journal* program with guest David Simon, April 17, 2009, <http://www.pbs.org/moyers/journal/04172009/transcript1.html>.
8. Barra, Allen, "Pro Football's College Tuition Bill: It's time to give back to the institutions that produced our pro athletes," *The Wall Street Journal*, April 29, 2009.

One might ask why are there no complaints from the revenue-producing NCAA and its member colleges and universities. The answer is no doubt related to the government's subsidization of college sports via favorable tax policies— including the tax-exempt status of the NCAA's professional sports entertainment businesses and weak enforcement of the Unrelated Business Income Tax Law. Besides, why would the NCAA and the schools accept payments from the NFL and NBA with the attendant risk of reopening the 2006 Congressional scrutiny concerning the justification for their tax-exempt status?

[This note formed the basis for the letter, "College Sports System Suits NCAA, Leagues," published in the May 8, 2009, issue of *The Wall Street Journal*.]

9. Some of the negative consequences of professional college sports are listed below. Also see "Are Big-Time College Sports Good for America," [http://www.thedrakegroup.org/Splitt\\_Good\\_for\\_America.pdf](http://www.thedrakegroup.org/Splitt_Good_for_America.pdf) .

1. Reinforcement of America's athletics-over-academics culture and value system,
2. The lost potential of academically qualified students denied access to schools that provide costly 'scholarships' to academically unqualified athletes,
3. The lost potential of academically qualified athletes who seek to earn a degree in science, technology, engineering, or mathematics (STEM) disciplines, but, instead, are "clustered" into majors that ensure their athletic eligibility at the expense of their intellectual talent/academic interest.
4. The loss of American "brain jobs" jobs to foreign competitors, and the ultimate erosion of American industrial competitiveness with its negative impact on America's future economic well-being and position on the world stage.
5. The prevalence of "beer-and-circus" campus environments,
6. The deterioration of academic values in America's sports-focused high schools with increasing reliance, by ever younger athletes, on performance enhancing drugs.

10. When read in the light of NETWORK, Paddy Chayefsky's 1976 Academy Award-winning satirical screenplay about what TV people do for ratings— Susan Blum's book, *My Word! Plagiarism and College Culture* provides valuable insights into the cultural and financial foundations of student cheating that, in turn, provide the foundation for today's college sports TV and cable entertainment industry.

Unfortunately, students are usually cast as the violators of academic integrity—missing the fact that the greatest violators of academic integrity are the colleges and universities that support big-time football and men's basketball programs. Some more than others are quite skilled in the arts of deceit and deception—lying and cheating to recruit and maintain the eligibility of professional teams for their sports entertainment businesses—a fact not lost on the students. This modus operandi seriously compromises institutional credibility.

Robert Maynard Hutchins, President of the University of Chicago, abolished football at the university in 1939 saying: "To be successful, one must cheat. Everyone is cheating, and I refuse to cheat." As former Tufts University Provost Sol Gittleman opined "A Robert Hutchins comes only once in a lifetime."

11. Greene, Jay P., "The Union War on Charter Schools: As New York shows, they want to kill any education choice," *The Wall Street Journal, Opinion*, April 16, 2009.
12. Splitt, Frank G., "Reclaiming Academic Primacy in Higher Education: A Brief," See commentary on p. ix, December 31, 2003, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)
13. Otto, Kadence and Splitt, Frank G., "An Open Letter to the President and His Administration," March 18, 2009, <http://thedrakegroup.org/Obama.pdf>.
14. Editorial, "Arne Duncan's Choice: 'What works' for some kids, but not for others," May 5, 2009, <http://online.wsj.com/article/SB124148314511885437.html>.
15. McGurn, William, "School Choice for the Few: The New do-as-I-say double standard," *The Wall Street Journal, Mainstreet*, May 5, 2009, <http://online.wsj.com/article/SB124147923132785121.html>.
16. Chao, Elaine, "Obama Tries to Stop Union Disclosure: No more sunshine on how worker dues are spent," *The Wall Street Journal*, May 6, 2009, <http://online.wsj.com/article/SB124157604375290453.html>
17. The Drake Group has been working since 1999 to bring disclosure/transparency requirements to collegiate athletics, specifically to the sports entertainment businesses franchised by the National Collegiate Athletic Association to its member colleges and universities. We have said many times that there will be no reform in these businesses without disclosure. So it was disappointing to see the Obama Administration ignore the sunshine 'rule' governing serious reform.
18. McGovern, George, "The 'Free Choice Act Is Anything But," *The Wall Street Journal*, May 7, 2009, <http://online.wsj.com/article/SB124165379013293871.html> .
19. Riley, Jason L., "A President and His Priorities: Obama's education crimes and misdemeanors," May 8, 2009, <http://online.wsj.com/article/SB124174149602398935.html>

# College Leaders Again Urged to Consider Solutions For Sports Mess: Likely to No Avail Unless...

*Clips Guest Commentary*

*Our guest author proposes a college sports czar “empowered with a mandate for change and the authority to affect really serious reform, including the authority to rule over officials at the NCAA and its member institutions as well as conference officials on all matters pertaining to intercollegiate athletics.”*

*By Frank G. Splitt, The Drake Group, May 20, 2009*

*What has been allowed to become a circus—college sports—threatens to become the means by which the public believes the entire (higher-education) enterprise is a sideshow.*

—**A. Bartlett Giamatti**, former president of Yale University  
and former commissioner of major league baseball

*It seems to me I've heard that song before; it's from an old familiar score; I know it well, that melody.*

— **Sammy Cahn & Jule Styne**, from "I've Heard That Song Before," 1939

**PREFACE** – According to the Knight Commission Press Release on their May 12, 2009 meeting,<sup>1</sup> the headlined urge came after they were told by scholars and experts on higher education and intercollegiate sports that the financial crisis in college sports is not only attributable to the ongoing recession, but also to declining athletics revenues unable to keep up with a runaway train of spending.

R. Gerald Turner, co-chairman of the Knight Commission and president of Southern Methodist University, said “The recession is accelerating the need to make hard choices about college athletics, but the fundamental problems will not abate when the economy improves.... Through innovative solutions, we can take measures to reign in ever-increasing athletics spending and preserve all that is good about college sports.”

Repeated calls for college sports reform have gone unheeded for decades. Notwithstanding the current economic crisis, there is no reason to believe that the Knight Commission's latest "urging" will fare any better than its 2001 call to action. Here's why and what it would take to clean up the mess in college sports.

**WHERE HAVE WE HEARD THAT SONG BEFORE?** – We need look no further than the Knight Commission's 2001 report, *A Call to Action*,<sup>2</sup> for the answer. The report, a ten-year review of progress made since the original Commission reports, called for a stronger commitment to academic standards in college sports. It found that the problems of big-time sports—academic transgressions, a financial arms race, and commercialization— had grown rather than diminished since their three reports were published in the early 1990s. It should have been used as a briefing paper for the May 12 meeting.

Given the sad state of affairs in 2001, the Commission recommended a new model for reform based on the establishment of a Coalition of Presidents—directed toward an agenda of academic reform, de-escalation of the academic arms race, and de-emphasis of the commercialization of intercollegiate athletics. Also recommended was the formation of a separate and independent body, an Institute for

Intercollegiate Athletics, that would serve as a watchdog to maintain pressure for change by keeping the problems of college sports visible, provide moral leadership in defense of academic integrity, monitor progress toward reform goals, and issue periodic report cards.

To the best of my knowledge, none of these recommendations were implemented. However, many of the watchdog operations have been undertaken by The Drake Group and other volunteer reform-minded organizations.

**FINANCIAL TRAIN WRECK** – In a 2004 essay,<sup>3</sup> I used the following quote from Jim Duderstadt, Emeritus President and University Professor of Engineering at the University of Michigan and the author of the Foreword to the cited essay : "We're headed for a train wreck. It'll be financial because how much worse than the Colorado scandal can you get?"<sup>4</sup> Duderstadt reckoned that the financial wreck could be caused by a federal antitrust lawsuit or by arrogant athletic departments overtly cannibalizing student programs to keep football and basketball programs.

At the time, it was my view that it was more likely that the "financial wreck" would come from a serious IRS study/audit of the favorable tax treatment of the commercial activities of athletic departments, saying: An in-depth IRS audit would be the NCAA cartel's worst nightmare having the potential to fully expose the extremely weak educational basis for the current financial structure of big-time college sports that would not only force very major reform, but also provide unassailable "cover" for reform-minded university presidents and governing boards.

This line of thinking ultimately led to The Drake Group's comments on the Revised IRS Form 990—an information form that serves the purpose of verifying that an organization's activities are consistent with its exempt purpose. The use of this form, in accordance with The Drake Group's comments calling for transparency, accountability, and oversight, could help force the NCAA and its member institutions to tell the truth about their sports entertainment business.<sup>5,6</sup>

At the Commission meeting, John Colombo, University of Illinois tax-law professor, presented his recent paper<sup>7</sup> that explains how it would be difficult to remove tax-exempt status from “big-time college” football and basketball programs. Colombo argued, however, that Congressional action would be justified in attaching special limitations to athletics programs, such as restricting expenditures and/or mandating disclosures so that programs could continue to receive “tax-favored status.”

Additional insights on tax issues related to collegiate sports can be obtained from a recently published Congressional Budget Report<sup>8</sup> that shows colleges receive tax benefits that aren't available to private businesses that engage in the same commercial activities. It suggests colleges should explain how they use their commercial revenue to get the biggest bang for the buck in fulfillment of their educational mission.

It is ironic that current federal tax policy helps fuel the NCAA cartel's big-time college sports entertainment businesses where parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, ‘stadium wars,’ tax breaks for wealthy boosters, NFL and NBA minor league teams, and other artifacts of the big-time college sports arms race. Meanwhile, the NCAA works to further its financial interests and thwart any and all serious reform efforts—especially those that could expose their ‘student-athlete’ ruse or possibly reduce their revenues.

**WHY THINGS HAVE NOT CHANGED** – Generally speaking, NCAA officials along with the officials of their member institutions (presidents and their administrations, including governing boards, athletic directors and coaches) really don't want change for a variety of reasons, first and foremost of these reasons are vested self interests.

John V. Lombardi, President, Louisiana State University System and former Chancellor at the University of Massachusetts Amherst, made the case for maintaining the status quo in college athletics. When arguing in opposition to the Revised IRS Form 990, he said: “Mega college athletics is indeed a remarkable American invention, it reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we (our faculty, our staff, our alumni, our legislators, our trustees, our students, and our many other constituencies) want it. We could easily change it, if most of us wanted to change it. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best (often the most expensive) programs in America by winning games and championships.”<sup>9</sup>

**VEILED CALL FOR TRANSPARENCY AND HELP FROM THE FEDS? –** At their May 12, meeting, Knight Commission co-chairman William E. Kirwin, Chancellor of the University System of Maryland, noted that a wealth of recent data developed by the NCAA confirmed that athletics expenses are growing at two to three times the rate of total spending for universities and also debunked the myth that high coach salaries are connected to increased winning percentages. Kirwin was quoted as saying: “We need to do more to make NCAA data clear and transparent to university trustees, alumni and the general public, so they can have a better understanding of the fundamental problems. Better data and more transparency help us debunk the myths that have led to excessive spending on coaches’ salaries and other areas of intercollegiate athletics.”

Co-Chair Kirwan said, “While we generally don’t believe that Congressional action is necessary to regulate intercollegiate athletics, we are not ready to dismiss any proposals that could provide effective means to address our challenging financial problems.”

**REFORM DOOMED TO FAILURE WITHOUT FEDERAL INTERVENTION –**

Spending and corruption related to big-time college sports programs have continued to grow unabated despite twenty years of Knight Commission meetings and reports as well as essays from others urging reform. This growth is not only a consequence of the absence of restraining federal intervention requiring a substantial increase in transparency, accountability and oversight, at the NCAA and the athletic programs at their member institutions, but also the lack of responsible leadership. No one is responsible for cleaning up the mess in college sports.

Experience has shown that the Knight Commission and other reform-minded organizations are toothless paper tigers. No matter how apropos and compelling their arguments, their urgings and proposals go unheeded— doomed to failure since they have no 'bite.' Barring a total collapse of America's economy, things will go on as they always have unless and until the federal government steps in.

**WHAT'S NEEDED –** The buck stops nowhere in college sports reform—no one is responsible for implementing and enforcing reform measures adequate to the task. To be sure, the NCAA has been extraordinarily successful in creating the illusion that they are doing just that.

After six years of reading, writing, speaking, and listening about college sports reform, it has become abundantly clear that real college sports reform is in desperate need of responsible leadership in the form of a strong commissioner of intercollegiate athletics—a college sports czar— akin to Judge Kenesaw Mountain Landis, baseball's first commissioner.

Judge Landis took control of major league baseball when its integrity was in question—restoring integrity by banning eight members of the 1919, Chicago Black Sox. Needless to say, the long-term negative impact academic corruption and loss of academic integrity would have far more devastating consequences for America than would the corruption of major league baseball. Why? Because there would be a consequent deterioration of America's overall well being as well as its leadership position on the world stage<sup>10</sup>

The college sports commissioner should be empowered with a mandate for change and the authority to affect really serious reform. This would include the authority to rule over officials at the NCAA and its member institutions as well as conference officials on all matters pertaining to intercollegiate athletics. Anything less would all but guarantee a continuation of the corrupting, cancer-like growth of professional college sports in America's failing education system.<sup>11</sup>

The appointment of a college sports czar would likely require the personal attention of President Obama—an intervention in college sports not unlike that of President Teddy Roosevelt's in 1908 that gave rise to what is today's NCAA. No doubt a loud roar of protest will be heard from defenders of the status quo at the very thought of a college sports czar, let alone presidential intervention that could help put an end to the corruption in collegiate athletics as well as the exploitation of college athletes.

**CONCLUDING REMARKS** – So what can be made of all of this—including what seemed to be the Knight Commission's openness to help from the feds? Although there was no recognition of The Drake Group's request for the Knight Commission's endorsement of its appeal for government intervention—re: the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education—Co-chair Kerwin's language offers a basis for hope that finally someone on the Commission 'gets it.'

In the light of global realities and the financial crisis, the president and members of his administration, as well as members of the U.S. Congress, must understand that there are more important challenges in higher education than those related to bracketing the NCAA's "March Madness" basketball tournament and resolving the BCS-bowls vs. playoff-regime conflict to determine a national college football champion. They may finally come to realize that prioritizing investments in athletics over investments in academics at America's colleges and universities is not only a very bad idea, but also a big waste of taxpayer money.

The Commission will meet again in Miami, Florida, on Oct. 26 to commemorate the 20th anniversary of its founding and to continue its examination of financial issues and potential solutions. Perhaps the Knight Commissioners can allot time for serious consideration of the above as well as the ideas previously put forth by The Drake Group, John Columbo's paper, and the Congressional Budget Report, to determine what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the Commission's 2001 call to action.

## NOTES

1. Reardon, Katie, "Knight Commission Urges College Leaders to Consider Bold, Innovative Solutions to Address Fiscal Health of College Sports," Press release by Widmeyer Communications, March 12, 2009., [http://www.knightcommission.org/index.php?option=com\\_content&view=article&id=295:may-12-2009-knight-commission-urges-college-leaders-to-consider-bold-innovative-solutions-to-address-fiscal-health-of-college-sports&catid=22:press-room](http://www.knightcommission.org/index.php?option=com_content&view=article&id=295:may-12-2009-knight-commission-urges-college-leaders-to-consider-bold-innovative-solutions-to-address-fiscal-health-of-college-sports&catid=22:press-room) .

2. Knight Commission, *A Call to Action: Reconnecting College Sports and Higher Education*, 2001, [http://www.knightcommission.org/images/pdfs/2001\\_knight\\_report.pdf](http://www.knightcommission.org/images/pdfs/2001_knight_report.pdf)

3. Splitt, Frank G, "The Faculty-Driven Movement to Reform Big-Time College Sports," *IEC Publications*, July 13, 2004, [http://thedrakegroup.org/Splitt\\_Sequel.pdf](http://thedrakegroup.org/Splitt_Sequel.pdf)

4. Kindred, David, "College Sports Saddled With Big-League Issues," *Sporting News*, March 4, 2004. This article, also published as a commentary in the March 7, 2004 issue of the *Los Angeles Times*.

5. Splitt, Frank G., "Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process, [http://www.thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary\\_IRS.pdf](http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primary_IRS.pdf)

6. \_\_\_\_\_, "A Revised IRS Form 990 Can Serve as Occam's Razor for the Core Problem in College Sports," [http://thedrakegroup.org/Splitt\\_Revised\\_IRS\\_Form.pdf](http://thedrakegroup.org/Splitt_Revised_IRS_Form.pdf)

7. Columbo, John D. "The NCAA, Tax Exemption and College Athletics," Illinois Public Law Research Paper No. 08-08, February 19, 2009, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1336727](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1336727)

8. Lombardi, John V., "Taxing the Sports Factory," *Inside Higher Ed*, October 1, 2007, [http://www.insidehighered.com/blogs/reality\\_check/taxing\\_the\\_sports\\_factory](http://www.insidehighered.com/blogs/reality_check/taxing_the_sports_factory)

9. Splitt, Frank G., "Sports in America 2007: Facing Up to Global Realities, [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America\\_2007.pdf](http://thedrakegroup.org/Splitt_Sports_in_America_2007.pdf)

10. \_\_\_\_\_, "America's Failing Education System: It Can Still Be Fixed," May 12, 2009, [http://thedrakegroup.org/Splitt\\_Failing.pdf](http://thedrakegroup.org/Splitt_Failing.pdf). Craig Barrett, retiring chairman of the Intel Corporation and a former Stanford University professor, has recently said that America's second-rate education system will lead to "the decline and fall of the United States as an economic power."

11. Congressional Budget Office, "Tax Preferences for Collegiate Sports," May 19, 2009, <http://www.cbo.gov/doc.cfm?index=10055>. Senator Chuck Grassley, ranking member of the Committee on Finance, requested this report in April 2007 as part of his longstanding oversight of tax-exempt laws. In a statement on the report's release he said: "The fact that congressional analysts had to rely on information collected by a major newspaper for source data highlights how little information is available about how these programs work. Given all the tax benefits involved, tight state budgets, and rising tuition despite the recession, it's pretty clear that Congress needs to engage and policymakers need to know more in order to act as responsible stewards of the tax policy that drives this fundraising and commercial activity."

12. \_\_\_\_\_, "Reclaiming Academic Primacy in Higher education: A Brief," December 31, 2003, *IEC Publications*, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)

***This commentary represents an updated version of the commentary posted May 17, 2009, on CollegeAthleticsClips.com. Essentially this same commentary was posted May 20, 2009 as a comment on David Moltz's Inside Higher Ed report, "Athletics, Antitrust and Amateurism," <http://www.insidehighered.com/news/2009/05/13/knight>***

# The Drake Group

## *Defending Academic Integrity in the Face of Commercialized College Sports*

May 27, 2009

Subject: Higher Education

Dear Mr. President:

This letter is a follow-up to our previous letter written on behalf of The Drake Group (TDG), a national network of reform-minded volunteers.[1] It reiterates our request for help by way of assistance to Senator Charles Grassley in his efforts to enforce compliance to federal requirements for tax exemptions and adds an appeal for your personal intervention in college sports via a recommendation to establish an Office of the Commissioner of Intercollegiate Athletics.

As stated in the referenced letter: We believe that academic integrity has been compromised and higher education's academic mission subordinated by the college sports entertainment industry, more specifically, by the National Collegiate Athletic Association (NCAA) and its member institutions. We also said:

TDG continues to persevere in an effort to have the nonprofit NCAA justify the tax breaks that help fuel its uncontrolled growth. To this end, we have been working with the House Committee on Ways and Means and the Senate Finance Committee. TDG's work has led to: 1) A 2006 letter to the NCAA president from the HCW & M chair containing sharply worded questions re: the justification of the NCAA's tax-exempt status; 2) Comments in 2007 on the Draft of a Redesigned IRS Form 990; and, 3) A 2009 request to the IRS, via Senator Charles Grassley, ranking member of the SFC, to not only report on the NCAA as it has on nonprofit hospitals, but also increase pressure on NCAA members to further disclose their inner financial workings ....

Most recently, the Congressional Budget Office (CBO) released the results of an investigation requested by Senator Grassley in its May 2009 report, "Tax Preferences for College Sports". In April 2006, TDG provided the Senator's staff with data that prompted the Senator to request the CBO investigation.

Regrettably, the CBO report focused on the financial implications that various tax changes might have on collegiate athletics without questioning the justification for their present tax-exempt status. The primary issue in college sports stems not from the exorbitant financial spending of college athletic departments, but rather from the fact that commercialization and professionalization have corrupted the original intent of college athletics and compromised the integrity of our institutions of higher learning.

*It is now absolutely clear that real college sports reform will never occur without responsible leadership.[2] We believe that you, like former President Theodore Roosevelt, in 1908, can help clean up the college sports mess and return college athletics to its appropriate place in our institutions of higher learning where they complement learning, rather than supplanting it. The purpose of our young peoples' engagement in athletics is to teach them values; such values, as you must be aware, are being eroded as college athletics has strayed from its original purpose and currently exists as a moneymaking business enterprise.*



Mr. President, we again ask that you assist Senator Grassley in his efforts to enforce compliance to federal requirements, necessitating that the NCAA provide transparency and accountability as it pertains to its stated basic purpose of maintaining intercollegiate athletics as an integral part of a school's educational program and the athlete as an integral part of the student body, and also comply with its principle of amateurism.

To this end, we also respectfully ask you to intervene in intercollegiate athletics by establishing an Office of the Commissioner of Intercollegiate Athletics—akin to the establishment of the Office of the Commissioner of Baseball when Judge Kenesaw Mountain Landis was called upon to take control of Major League Baseball when its integrity was in question some 90 years ago.

This intervention—not unlike that of President Teddy Roosevelt's—would lead to the necessary independent oversight of collegiate athletics at the NCAA and our colleges and universities. The Commissioner would need to be empowered with a mandate for change with the authority to affect serious reform in all areas pertaining to intercollegiate athletics. Any less empowerment would all but guarantee the steady degradation of our institutions of higher learning in exchange for commercialized, professional college sports.

Political realities indicate that your personal intervention is required for serious college sports reform. Notwithstanding strong opposition, together, “WE CAN” restore academic primacy in higher education.

Respectfully submitted,

Dr. Kadie Otto, President, [kotto@wcu.edu](mailto:kotto@wcu.edu)

Dr. Frank G. Splitt, Member, [fnjsmp@aol.com](mailto:fnjsmp@aol.com)

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1. Otto, Kadie and Splitt, Frank G., “Open Letter to the President and His Administration,”

March 18, 2009, <http://thedrakegroup.org/Obama.pdf>

2. Splitt, Frank G., "College Leaders Again Urged to Consider Solutions for Sports Mess: To No Avail Unless ... " [http://www.thedrakegroup.org/Splitt\\_College\\_Leaders.pdf](http://www.thedrakegroup.org/Splitt_College_Leaders.pdf)

3. Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation , and student-athletes should be protected from exploitation by professional and commercial enterprises (NCAA Manual, 2008-09, Bylaw 2.9 – Principle of Amateurism).

#### **NOTE**

Splitt, Frank G., "College Leaders Again Urged to Consider Solutions for Sports Mess: To No Avail Unless ... "

[http://www.thedrakegroup.org/Splitt\\_College\\_Leaders.pdf](http://www.thedrakegroup.org/Splitt_College_Leaders.pdf). This URL has been changed to

[http://drakegroupblog.files.wordpress.com/2013/01/splitt\\_college\\_leaders.pdf](http://drakegroupblog.files.wordpress.com/2013/01/splitt_college_leaders.pdf)

Frank G. Splitt

012913

## How about FIPSE proposals for college sports reform?

By Frank G. Splitt

Doug Lederman reported on the latest twist in the execution of the Fund for the Improvement in Postsecondary Education (FIPSE)—the Department of Education's comprehensive grant program.<sup>1</sup> He tells how the federal government's primary driver of policy experimentation appears to be rendered obsolete as the department quietly revealed that the fund will forgo its main open grant competition for the second time in four years. He concludes his report by quoting an assertion on the department's Web page:

"The program, it says, "is *responsive to practitioners*. In its Agenda for Improvement, FIPSE identifies common issues and problems affecting postsecondary education and invites applicants to address these *or other* problems imaginatively. The Comprehensive Program welcomes proposals addressing any and all topics of postsecondary improvement and reform."

Here's still another somewhat more audacious twist: Big-time college football and men's basketball programs ought to be a target for future FIPSE college sports reform proposals. These programs have become a cauldron of profligate spending and corruption driven by the college sports entertainment industry. They not only threaten the integrity and the preeminent global position of America's higher education enterprise, but also the future well being of our nation.<sup>2</sup> The threat is embodied in related academic corruption and educational mission warp at many of America's premier colleges and universities supporting these big-time sports programs.

Mission warp and corruption not only serve to accommodate political-clout-backed applicants who may very well be academically unqualified, but likewise, counterfeit-amateur athletes—so-called student-athletes—that make up the school's professional football and men's basketball teams.<sup>3</sup> These teams are part and parcel of the school's government-subsidized sports entertainment business. Their clout is broad based, coming from all those who want the school to field winning teams at any cost.

As a consequence of clout, thousands of academically qualified applicants are denied access to America's top schools. Not so in other countries that are investing to make their schools stronger, especially in Asia. Also, there are few athletic programs that make money. The general education fund must then be tapped as the 'show must go on'—increasing costs and making education less affordable for real students.

Absent FIPSE proposals and the like, the media has begun to illuminate the mess in college sports as evidenced by a breach in the symbiotic relationship between the press and the college sports world. Solid investigative reporting by the *Columbus Dispatch* has led to a 'secrecy' story that demonstrates real innovation by the media that is no less than a significant contribution to higher education.<sup>4</sup> The story's subtitle, "The College athletic departments use vague law to keep public records from being seen," tells all—echoing the message of Matt Salzwedel and Jon Ericson in their 2003 *Wisconsin Law Review* article.<sup>5</sup>

Beginning in July 2004, the NCAA cartel's abuse of FERPA formed the basis for The Drake Group's persistent efforts to have the Congress pressure the NCAA and its member institutions to incorporate measures of transparency, accountability, and oversight into their operations. Unfortunately, with the notable exception of Senator Charles Grassley (R-Iowa), serving members of Congress have not dared endorse the Drake's appeal for "sunshine" in collegiate athletics—apparently fearing that such an endorsement would necessitate giving up their political careers.

The net result of Congressional paralysis occasioned by fear of retribution—by constituent moneyed boosters and rabid sports fans—is that the dirty business of government-subsidized, professional big-time college sports could be with us for a good long time unless and until responsible

leadership is engaged to restore integrity in collegiate athletics. This last-resort recommendation was prompted by the NCAA cartel's history of obstinate resistance to serious reform. An excellent example of this resistance is described by Sally Jenkins who tells how the NCAA cartel has fought off reinstatement of first-year ineligibility rule.<sup>6</sup>

To this end, the Drake's follow-up letter to President Obama<sup>7</sup> reiterates a previous request for help by way of assistance to Senator Grassley in his efforts to enforce compliance to federal requirements for tax exemptions with a critical added appeal— for the president's personal intervention in college sports via a recommendation to establish an Office of the Commissioner of Intercollegiate Athletics.

A thoughtful reading of the two letters to President Obama and comments on America's failing education system<sup>8</sup> should give the reader insights and perspectives relevant to the future of higher education in America. It remains to be seen whether or not President Obama and his administration have the political will and courage to look beyond the problems associated with college football playoffs and NCAA *March Madness* tournament bracketing to address really serious issues related to the NCAA cartel's professionalization of big-time football and men's basketball programs.

June 15, 2008

Frank G. Splitt, a member of The Drake Group, is a former McCormick Faculty Fellow at Northwestern University and a vice president emeritus of Nortel Networks

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# Why Congress has yet to curtail the NCAA cartel's tax breaks: Exemptions historically tied to amateur athletes

*Clips Guest Commentary*

*Our guest author schools us on tax exemptions, commercialism and the "you do what you got to do" corollary. Editor, College Athletics Clips*

*Frank G. Splitt, The Drake Group, 8-30-09*

*The only way America will be able to maintain its place as the world's premier economic power is to fully develop the potential of its people. Meeting this challenge will require an education system in which the primacy of achievement and excellence in all spheres of life is absolutely clear...Funding priorities for extracurricular programs as well as for core academics must be scrutinized, particularly our tendency to fund large sports programs that serve a small number of elite athletes at the expense of broad-based programs in music and the arts. — John Gerdy, Education Week, June 2009*

**Considering the many questions** relating to funding health-care-reform proposals and the billions of dollars in tax breaks enjoyed by the NCAA cartel and its wealthy supporters, one might ask why Senators and other members of the U.S. Congress working on health-care legislation<sup>1</sup> are not working on provisions to pare back the unjustified tax breaks that the cartel—the National Collegiate Athletic Association and its member colleges and universities<sup>2</sup>—as well as its supporters have come to accept as entitlements.

All of the cartel members are nonprofits that don't pay federal, state or local taxes, according to the U.S. Department of Revenue. The tax exemptions were historically tied to amateur athletes and were meant to help colleges and universities shoulder the cost of supporting programs that were part of the fabric of the postsecondary experience in America as well as to help to knit together the disparate supporters of these enterprises.

**O**ver the years the NCAA cartel's big-time sports programs have departed from amateurism in actual practice but the cartel claims otherwise. As a matter of fact, the cartel has partnered with the broadcast media and advertisers to create the college sports entertainment industry—a moneymaking colossus that has little, if anything, to do with the educational mission of the schools.

The unregulated commercialization of college athletics has undermined the academic integrity and the academic missions of the NCAA's member schools. Compromised academic integrity and distorted educational missions now characterize many of America's colleges and universities that have allowed them to be driven by a quest for fame and fortune via the college sports entertainment industry.

Mission warp and corruption not only serve to accommodate political-clout-backed applicants who may very well be academically unqualified,<sup>3</sup> but likewise, so-called student-athletes who make up the professional football and men's basketball teams that are part and parcel of the school's government-subsidized sports entertainment business.<sup>4</sup> Athletes at colleges and universities supporting big-time football and men's basketball programs are professional counterfeit amateurs rather than amateur 'student-athletes' as the cartel falsely claims.<sup>5</sup>

**W**hy isn't this big lie challenged by Congress? One obvious reason is that the cartel's clout is both deep and broad based, coming from all the beneficiaries of the commercialization of college sports—including wealthy donors who also have strong political connections at the federal and state levels, especially those who want their school to field winning teams at any cost. However, there is much more to it than the obvious.

Many, if not most, members of Congress and the Obama Administration abide by the do-nothing corollary to former president Bill Clinton's statement that in politics, "you do what you got to do"—the corollary: you don't do what you don't got to do. These officials must believe that taking on the best monopoly in America would be political suicide—this, no matter the current and long-term harm to America resulting from the high-jacking and consequent erosion of its education system by the college sports entertainment industry.

Furthermore, the privacy provisions of FERPA—the Family Educational Rights and Privacy Act—are often used for a much different purpose. FERPA, designed to keep college students' grades private, is used to shield universities from potentially embarrassing situations.<sup>6</sup> It is used as the NCAA cartel's primary defense against congressional scrutiny of its claim that the athletes at colleges and universities supporting big-time football and men's basketball programs are amateur 'student-athletes' rather than professionals.

Here is a case in point: former Congressman William Thomas (R-CA), past chair of the House Committee on Ways and Means, addressed areas of concern with big-time college sports in his sharply-worded October 2, 2006 letter to NCAA President Myles Brand. The chairman's questions were aimed at ascertaining the justification for the tax-exempt status of the NCAA and its member schools. President Brand avoided answering questions related to the academic life of college athletes—abusing FERPA by taking unwarranted refuge in its privacy provisions.

Also, the many scandals related to the corruption in collegiate athletics and other issues surrounding the NCAA cartel and their detrimental effect on America's educational system, its youth, and its future position on the world stage, never seem to rise above the clutter on the national radar screen thanks to the U.S. Department of Education's hand's-off policy<sup>7</sup> as well as the cartel's cutting-edge PR and its flagrant abuse of FERPA to shield academic corruption and other crimes and misdemeanors in college athletics from public scrutiny.

Therefore, the challenge before Congress is to do something to get academics-over-athletics priorities re-established at America's colleges and universities that are held captive by the NCAA's commercial interests in their schools sports entertainment businesses.<sup>8</sup> Such interests appear to be first and foremost to the NCAA, not the interests of college athletes<sup>9</sup> and U.S. taxpayers. Simply stated, the NCAA has a stranglehold over schools that support big-time football and men's basketball programs as well as over America's sports captivated public.

Finally, if America is going to continue to maintain a position of leadership on the 21st century's world stage, then it not only needs to invest in its educational institutions to ensure our nation's continued competitiveness and security, but it also needs to get its educational priorities right—restoring academic primacy to higher education and to secondary education as well.

*Frank G. Splitt, a member of The Drake Group, is a former McCormick Faculty Fellow at Northwestern University and was a vice president emeritus of Nortel Networks. His essays on college sports reform can be accessed at <http://thedrakegroup.org>.*

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3. A recent example of political clout comes from Illinois via its ousted governor, Rod Blagojevich, who was involved in an admission scandal exposed by the *Chicago Tribune*. The *Tribune* reported that the University of Illinois at Urbana-Champaign had bowed to political pressure in admitting unqualified applicants based on who, rather than what, they knew. Subsequent investigations prompted the resignations of two trustees, one of whom was the chairman of the board. For more, see the August 6, 2009, *Wall Street Journal* article, "Two Trustees Quit in Illinois Admissions Scandal," by Douglas Belkin and Carrie Porter.

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7. The U.S. Department of Education (DoEdu) has taken a do-nothing position—claiming that Section 103(b) of the Department of Education Organization Act places significant limitations on the authority of the Secretary and other officers of the Department, specifically stating that such officers cannot exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution "except to the extent authorized by law." The extent authorized by law, in this context, has been viewed to be limited to specific provisions of the Higher Education Act—a view that avoids DoEdu responsibility for addressing the problems in collegiate athletics that were outlined in The Drake Group's March 18 and May 28, 2009, Open Letters to the President and His Administration (<http://thedrakegroup.org/Obama.pdf> and <http://thedrakegroup.org/Obama2.pdf>).

8. This challenge also applies to secondary education systems that deem participation in sports to be a legitimate part of a school's curriculum—raising the question of whether or not academics are really valued over athletics in these systems. For example, see Tom Benning's August 29-30, 2009, *Wall Street Journal* article, "Texas High-School Athletes Gain Ground in Class." Benning tells how a new Texas law could double the amount of academic credit high-school athletes receive for playing sports.

9. For example, the NCAA has cornered the \$4-billion-a-year college merchandise licensing market—using college athlete's images, numbered jerseys and the like—for its own benefit. However, this cartel moneymaker has been the focus of a number of recent legal suits, including the high-profile suit by former U.C.L.A. star Ed O'Bannon, as reported by William C. Rhoden in his July 23, 2009 *New York Times* article, "A Lasting Image: Standing Up to the NCAA," [http://www.nytimes.com/2009/07/23/sports/ncaabasketball/23rhoden.html?\\_r=1&ref=sports](http://www.nytimes.com/2009/07/23/sports/ncaabasketball/23rhoden.html?_r=1&ref=sports).

For additional insights, see Rhoden's 2006 book, *Forty Million Dollar Slaves: The Rise, Fall, and Redemption of the Black Athlete*, Three Rivers Press.

# Don't Give Up on College Sports Reform

*Clips Guest Commentary*

*Our guest author has spoken out consistently about his belief that college athletics cannot be reformed from within, and he reaffirms his belief in his latest commentary.*

*Frank G. Splitt, The Drake Group, 9-23-09*

**Professor Robert Zemsky**, the founding director of the University of Pennsylvania's Institute for Research on Higher Education and a leading researcher on the future of higher education, pulled no punches when addressing the Knight Commission on Intercollegiate Athletics at their May 12, 2009, meeting, saying:

"Since you've been in business, things have gotten a lot worse. ... A set of values is not present to hold athletics accountable, so the competitive pressures of the market give you what you have."

Zemsky, who was a member of Secretary of Education Margaret Spellings' Commission on the Future of Higher Education (a.k.a. the Spellings Commission) went even further when commenting on college sports in his new book, *Making Reform Work*. (1) To make higher-ed reform work, Zemsky argues for the necessity of a don't-do list with the NCAA's Big Money Sports the first item on his list. (2) He writes:

*Don't Try to Reform the NCAA's Big Money Sports. In the realm of higher education reform, intercollegiate athletics is the one that got away—permanently. Derek Bok is right when he laments that it's already too late to reverse the tide of athletic commercialism. The sums are too large, the constituencies too powerful, the absence of agreed-upon purposes all too readily apparent.*

*Is reform necessary?—yes. Is it possible?—no, just ask the Knight Commission on Intercollegiate Athletics. Ten years after their initial report, the distinguished panel that composed the commission was painfully blunt in assessing the Commission's lack of success.*

*The bad news is hard to miss. The truth is manifested regularly in a cascade of scandalous acts that, against a backdrop of institutional complicity and capitulation, threaten the health of American higher education. The good name of the nation's academic enterprise is even more threatened today than it was when the Knight Commission published its first report a decade ago. Despite progress in some areas, new problems have arisen, and the condition of big-time college sports has deteriorated.*

*Big-time football and basketball will not likely change any time soon -- witness current discussions as to whether athletes in these money sports deserve to be paid given the substantial funds the sponsoring universities derive from their athletic prowess. The best higher education can hope for is that eventually universities will cut loose their programs in football and basketball, making the university a sponsor rather than an owner of the enterprise.*

I agree with Zemsky. Any attempt to reform big-time college sports from within would be a complete waste of time and energy since there is no part of the higher-ed establishment that has the wherewithal to do the job—as Zemsky said, not even the prestigious Knight Commission. For all intents and purposes, the commission has spent the last ten years partnering with the NCAA—abandoning its watchdog role as it works around the margins of the real problems with big-time college athletics while creating the illusion it is serious about meaningful reform. (3)

Zemsky's concluding sentence could better reflect what's going on with congressional initiatives in college sports reform if written as follows:

*The best that critics of America's higher education enterprise can hope for is: federal intervention that would force the NCAA and its member institutions to comply with the government's and their own rules and regulations, or, colleges and universities will eventually cut loose their programs in football and basketball, making the university a sponsor rather than an owner of these sports entertainment businesses.*

One can always hope, but don't bet on either of these outcomes.

Re: Federal Intervention – Senator Charles Grassley (R-IA) has found that there are few (if any) of his colleagues willing to sacrifice their political careers by joining him in an effort to follow up on former Congressman Bill Thomas' 2006 scrutiny of the NCAA to determine the justification for the tax breaks enjoyed by it and its wealthy supporters. What's more, the U.S. Department of Education apparently has taken a do-nothing position on issues relating to college sports. (4)

Re: Giving Up Their Sports Businesses – It is difficult to imagine a circumstance where the NCAA cartel members would abandon ownership their college sports business franchises. However, the persistent efforts of Sonny Vaccaro to expose the cartel's exploitation of the athletic prowess and likeness of athletes as well as its obstruction of talented athlete's right-to-work has, no doubt, caused a bit of unrest in Indianapolis. For example, former U.C.L.A. basketball star Ed O'Bannon's legal suit against the NCAA, the Collegiate Licensing Company, member colleges and athletic conferences, could very well precipitate a disruptive scenario in the form of an avalanche of similar suits with the potential to destabilize the cartel's financial structure. For more on this and other suits against the NCAA, see William Rhoden. (5)

So, where do we stand today? It appears that: warped educational missions, academic corruption, exploited and poorly educated athletes, denied access and higher costs for academically qualified college candidates, and America's eroding economic competitiveness are prices our nation is willing to pay to ensure: job security for highly-paid college, athletic-conference, government, and media officials, tax-breaks for the NCAA cartel and their wealthy supporters, 24/7 entertainment for its college-sports-addicted public, and continuation of a beer-and-circus environment at its big-time colleges and universities. (6) Really?

This does not mean that reform-minded individuals and organizations should give up—far from it. It is all the more reason to keep the NCAA cartel's feet to the fire of the truth. To this end,



The Drake Group, with the support of other reform-minded organizations and like-minded individuals from the academic community, will not only continue to update members of Congress and their staff members on issues related to the need for serious reform in college sports, but also, more importantly, support Senator Grassley's effort to affect a significant improvement in the transparency, accountability, and independent oversight of the operations of the NCAA and the athletic programs at its member institutions.

In the light of global realities and the financial crisis, the president and members of his administration, as well as members of the U.S. Congress, must understand that there are more important challenges in higher education than those related to bracketing the NCAA's "March Madness" basketball tournament and resolving the BCS-bowls vs. playoff-regime conflict to determine a national college football champion. They may finally come to realize that prioritizing investments in athletics over investments in academics at America's colleges and universities is not only a very bad idea, but also a big waste of taxpayer money.

So too in this light, the Knight Commission should not give up on college sports reform. It should recognize that it has been co-opted by the NCAA cartel and then begin to focus on academic corruption that enables the professionalization of big-time college sports. For example, at its October 26, meeting in Miami, it could endorse The Drake Group's appeal for government intervention in college sports. This intervention would mean the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the Commission's 2001 Call to Action. (7)

*Frank G. Splitt, is a member of The Drake Group (TDG), <http://thedrakegroup.org/>, a former McCormick Faulty Fellow at Northwestern University and a former vice president emeritus of Nortel Networks. He is the author of "Reclaiming Academic Primacy in Higher Education," a brief with a Foreword by Fr. Theodore Hesburgh, C.S.C., President Emeritus of Notre Dame University and former Co-Chairman of the Knight Commission on Intercollegiate Athletics.*

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3. Splitt, Frank G., "Dancing Partners: The NCAA and the Knight Commission," November 6, 2008, [http://thedrakegroup.org/Splitt\\_Dancing\\_Partners.pdf](http://thedrakegroup.org/Splitt_Dancing_Partners.pdf)

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# On Reforming College Sports and Curbing Profligate Spending

*Clips Guest Commentary*

*Our guest author describes the rock and hard place that plagues college presidents in their oversight of college athletics. Few of them have the capacity, the will, or the appetite to lead a true reform movement in college sports.*

*By Frank G. Splitt, The Drake Group, 10-29-09*

**Background** – It is now almost six years since the publication of my first brief on college sports reform.<sup>1</sup> Reference to this brief will show inputs from the founding co-chairs of the Knight Commission, Dr. William C. Friday and the Rev. Theodore M. Hesburgh who concluded the Foreword by saying:

Like the Knight Commission Reports, this brief serves as a clarion call to university presidents, trustees, administrators and faculties. It should help to not only enhance their collective awareness, but stimulate debate, and prompt a more determined search for workable solutions and collaborative action as well. It is my fervent hope that readers will go further and ultimately become involved with facets of the reform movement that lie within their respective spheres of influence. As we stated in the 2001 Knight Commission Report: "Change will come, sanity will be restored, only when the higher education community comes together to meet collectively the challenges its members face."

Bill Friday contributed this commentary:

Every thoughtful sports fan knows that intercollegiate sports are in serious difficulty. The Knight Commission has led the effort to bring about major change and fundamental change has occurred. Much remains to be done and Frank Splitt's Brief signals the role faculties must play. The challenge is great; I believe the faculties will respond.

The challenges to meaningful reform have indeed been great. The clarion calls to university presidents, trustees, administrators and faculties have fallen on mostly deaf ears. Faculties responded as best they could but the opposing constituencies are truly powerful; and the perceived monetary and psychic rewards for maintaining the status quo are considered too great to be ignored by their administrations.

Adding to the difficulty of achieving reform has been the fact that the so-called 'watch-dog' Knight Commission strayed far off the course set by its founding co-chairs—serving as an apparent surrogate for the NCAA ever since the end of the Hesburgh-Friday tenure.

**The Knight Commission's October 26, 2009 Meeting** – The meeting was keyed to the release of the Commission's report on its survey of presidents from Football Bowl Subdivision (FBS) institutions—previously known as Division IA schools—that found skyrocketing football and basketball coaches' salaries "the greatest impediment" to the "stability" of college athletics as we know it.<sup>2</sup> In her commentary on the meeting, *The Chronicle of Higher Education's* Libby Sander wrote:<sup>3</sup>

A majority of college presidents at the nation's largest athletics programs feel powerless to contain the escalating costs associated with big-time college sports, and are hard-pressed to identify an entity that can.

Independent sports columnist, Bob Gilbert said:<sup>4</sup>

Most presidents of universities with major sports programs confessed cowardice and fear of trustees and boosters when asked why they don't stop uncontrolled spending for athletics.

The Knight Commission on College Athletics, in a report based on interviews with 95 of the 120 presidents of Division I-A universities, said the spiraling cost of their sports programs is unsustainable and threatens the future of academics in America.

"We've reached an indefensible, unsustainable situation. Universities are being forced to eliminate (academic) programs, reduce hiring (and) increase class size," said the commission co-chairman William Kirwan, chancellor of the University of Maryland.

What's really news here is the Commission's clear recognition of what has been well known to reform-minded individuals and organizations for several years—school presidents are in no position to participate in meaningful college sports reform efforts, let alone lead such efforts. As Dr. Jim Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, has said:<sup>5</sup>

Both my book and the 2001 Knight Commission report urgently portrayed the threat to American higher education posed by the ever-increasing commercialization and corruption of big-time college sports, neither proposed an effective method to deal with the problem. Put simply, in both cases we bet on the wrong horse. We proposed that the university presidents take the lead in the reform of college sports, whether through academic organizations such as the AAU and ACE (my proposal) or the NCAA (the Knight Commission). And nothing has happened.

Perhaps this is not so surprising. After all, university presidents are usually trapped between a rock and a hard place: between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously. It should be clear that few contemporary university presidents have the capacity, the will, or the appetite to lead a true reform movement in college sports.

Nevertheless, presidents were positioned on the NCAA's Executive Board and held leadership positions on the Knight Commission. Reform-minded organizations—often labeled as critics—were not really welcomed at the table.

Unfortunately, defenders of the status quo have, for many years, viewed the issues surrounding the rampant commercialization, professionalization, and profligate spending of big-time collegiate athletics much too narrowly to see the perils ahead—including the erosion of the long-term viability of America's higher education enterprise as well as its position in the 21st-century's global economy.<sup>6</sup>

**Advocating for Federal Intervention** – Briefly stated, the genesis of The Drake Group's advocacy for government intervention in college sports is as follows. Three years after the publication of the Knight Commission's 2001 report,<sup>7</sup> it became evident that the Commission was not following up on the reform recommendations set forth in this thoughtfully prepared report—a great disappointment to reform-minded faculty to say the least. Further disappointment came when the Commission expressed no interest whatsoever in the Group's reform-oriented essays.<sup>1,7</sup>

Given these disappointments and experience that indicated government intervention was likely the only way to transcend the vested self-interests of NCAA and school officials, The Drake Group launched its congressional initiative in the fall of 2004. The aim was the restoration of academic primacy at our nation's institutions of higher learning.

Key documents—references 1, 7, and 8—were used to provide background for members of Congress and their staffers at the Senate Finance Committee as well as at the House Committee on Ways and Means. Subsequent essays<sup>9,10</sup> have continued to sustain this initiative.

Indications are that the situation is now such that only the government can protect America from the higher education establishment's greed, mismanagement, and lack of foresight re: operating \$multi-million sports entertainment businesses. Why?—because responsible individuals and organizations continue to be involved in self-defeating behavior centered on protecting their own vested interests. Besides, the federal government is the only entity that has the power to curb the escalating costs associated with big-time college sports.

As evidenced by numerous essays,<sup>11</sup> and our work with the House Ways & Means Committee as well as with the Senate Finance Committee, we of The Drake Group have been advocating government intervention for the past five years—lately in open letters to President Obama,<sup>12</sup> and most recently in several letters sent to the president and CEO of the Knight Foundation prior to the October 26, Commission meeting. Here is an excerpt from one of the latter letters:

Yes, of course, the government should not interfere if non-government organizations such as the Commission are performing well and getting meaningful results when addressing serious issues. However, the government not only may intervene but must intervene in the national interest if they are not.

In this case, intervention would mean the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the referenced 2001 Commission report.

The Drake Group is asking you as the president and CEO of the Knight Foundation to urge the Foundation Trustees and its Commission not to give up on college sports reform. The Commission's endorsement of The Drake Group's appeal for government intervention would be a meaningful step on the path to this reform.

**Future Outlook** – It was refreshing to see that a number of Commission members now grasp the enormity of the negative impact that professionalized college sports can have on higher education. Hopefully, the above and other recent messages<sup>13</sup> from The Drake Group urging the president and CEO of the Knight Foundation, not to give up on college sports reform may influence the Foundation to:

- o Take a hard look at its Commission on Intercollegiate Athletics that gives the distinct impression that rather than working for meaningful athletic reform, it is allowing itself to be used to further the NCAA's own vested, money-making, commercial interests via exploitive commercialization of college sports.

- o Get the Commission back on track by requiring it to act in a way that will result in affecting positive change as it pertains to placing academic interests ahead of athletic interests.

The Drake Group takes seriously the threat posed to higher education in America by the uncontrolled professionalization, commercialization, and profligate spending of college sports. Government intervention can get academic values and priorities set above those of intercollegiate athletics. Failure to do so may not lead to the fall of America, but, over time, life for its citizens would surely be changed irrevocably and certainly not for the better as the nation will have a superbly entertained workforce that isn't able to compete in the 21<sup>st</sup>-century's global marketplace.

To the best of my knowledge, the Commission did not provide the requested endorsement of The Drake Group's appeal for government intervention at their October 26, meeting. Only time will tell the future direction of the Knight Commission and professional college sports, as well as the ultimate fate of higher education in America.

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*Frank Splitt is a member of the Drake Group. This commentary has been posted on Clips with the author's permission.*

# Faculty Action at UC-Berkeley Warrants Emulation

*Clips Guest Commentary*

*Members of the UC-Berkeley Faculty Senate pave a path for other Faculty Senates to follow.*

By Frank G. Splitt, The Drake Group, 11-03-09, Afterword, 11-06-09

Kudos to Doug Lederman for his informative story calling attention to the planned action of members of the UC-Berkeley Faculty Senate re: their proposed resolution on intercollegiate athletics.<sup>1,2</sup> Reference to Lederman's piece will show that it prompted a number of wide-ranging comments. As I stated in my own comment:

Members of the UC-Berkeley Faculty Senate did an excellent job in formulating their "Resolution on Intercollegiate Athletics at UC Berkeley." These members are proving to be all too rare exceptions to what I have perceived to be a general rule in college sports reform: 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.

My letter to the editor (appended<sup>3</sup>) made the above point and several others, apparently only too well. In a blatant act of retaliation, my honorary position as a McCormick Faculty Fellow was declared invalid a few days after its publication in the October 5, 2005, issue of *The Wall Street Journal*.

Fear of career-impacting retaliation has likely been a major deterrent to faculty-driven reform. Retaliation could come not only from school officials, alumni, athletics-friendly faculty and students, but most assuredly via the influence of the biggest men and women on campus—wealthy, sports-promoting, members of the school's governing board.

To be sure, college sports reform is not a popular subject with school and government officials, as well as the media, or, for that matter, with the American public that has an apparently insatiable appetite for 24/7 sports entertainment.

Reform will take a concerted effort and strength in numbers. As Alice Agogino, one the authors of the UC Berkeley faculty resolution that will be brought to a vote on November 5, has said: "We have to stop the Intercollegiate Athletics arms race and we can only do this together."

To this end, the national steering committee for the Coalition on Intercollegiate Athletics (COIA) can ask its members to consider using the UC-Berkeley Resolution as a template for a similar resolution by their faculty senates and report their progress at COIA 's national meeting this coming January."

The thought behind this comment was that this is an opportune time to not only take advantage of the work done by the UC-Berkeley faculty, but also to exploit the fact that many of America's colleges and universities are now beginning to recognize that their presidents are apparently powerless to curtail out-of-control spending by their athletic departments.<sup>4,5</sup>

The faculty senates should feel free to tailor the UC-Berkeley resolution to fit the circumstances at their schools. In a personal communication, COIA Co-chair Nathan Tublitz suggested that consideration should be given to incorporating the following wording from COIA's 2007 white paper.<sup>6</sup>

- 1) The Athletic Department's budgets, revenues and expenditures should be transparent and aligned with the mission, goals and values of the institution. The University President should take the lead to ensure that fiscal reports, including dash board indicators as listed in the 2006 NCAA Presidential Task Force report, are issued annually and made available to the campus faculty governance body. The President should work closely with faculty leaders, existing faculty committees, and athletic department personnel to achieve these goals (Proposal 4.1)
- 2) The overall annual growth rate in the Athletic Department's operating expenditures should be no greater than the overall annual growth rate in the university's operating expenditures. (Proposal 4.2)
- 3) The athletic department budget should be integrated into the university general budget process

where feasible. The proposed athletic department budget should be evaluated by the same process as the budget for academic units. (Proposal4.3)

There have been expressed desires to support the emulation of this faculty-driven effort. Kadie Otto, the president of The Drake Group has said: "We, of The Drake Group, are certainly in agreement with the comments that have gone back and forth via recent emails. I really think that if we have a "united call to action" (both COIA and TDG) we will be more effective." Alice Agogino, Chair of the UC-Berkeley Academic Senate the year it agreed to join COIA added: "I think I can speak for members of the Resolution Committee to say that we would be delighted to help out in similar efforts on other campuses."

Working together can make college sports reform happen.

## AFTERWORD

"We won the vote yesterday!", "said Alice Agogino, one of the authors of the UC-Berkeley faculty resolution on intercollegiate athletics. The resolution was brought to a vote by the university's Faculty Senate on Thursday, November 5, 2009. It carried 91-to-68.

Regardless of the positive outcome of the vote, the framers of the resolution are to be commended for doing a significant, breakthrough service by their example—not only making college and university faculty across America aware of the brutal truth about intercollegiate athletics, but also showing how something can be done about the issues that surround it.

*November 6, 2009*

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The Sept. 24, (2005) 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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# **The Knight Commission on Intercollegiate Athletics: Why It Needs Fixing**

*A Collection of Related Commentaries*

*By Dr. Frank G. Splitt*

***The Drake Group***

*<http://thedrakegroup.org/>*

*December 2, 2009*

***Telling the truth about a given condition is absolutely requisite to any possibility of reforming it. – Barbara Tuchman***

***The Knight Foundation's signature work is its Journalism Program that focuses on leading journalism excellence into the digital age—excellence meaning the fair, accurate, contextual pursuit of truth.***

**– The Knight Foundation Website, 2009**

## INTRODUCTION TO THE COMMENTARIES

**SUMMARY** – The Knight Commission on Intercollegiate Athletics was established in 1989 by the John S. and James L. Knight Foundation. Under the strong leadership of its founding co-chairs, the Rev. Theodore M. Hesburgh and Dr. William C. Friday, the Commission set forth to put pressure on the NCAA to clean up its own act before Congress stepped in to do it for them. Subsequent to their tenure the Commission strayed far off the course they set.

Can colleges control the NCAA? The answer, plain and simple, is no. Neither can the Foundation's Commission on Intercollegiate Athletics as it is presently structured—it needs to be fixed first. To this end, The Drake Group has urged the president and CEO of the Knight Foundation to take a hard look at the Commission, arguing that the Commission has not only moved off mission, but has morphed into an unofficial arm of the NCAA as well—it seems time for critical introspection.

This collection of commentaries tells how and why this situation developed and what might be done about it.<sup>1</sup>

**BACKGROUND** – Prior to assuming the presidency of the Knight Foundation in 1988, Creed Black served as the 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, Dr. 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." Unfortunately, the recommendations in this well-intended report were based on a false 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.

The Commission was pleased to see presidential control put in place at the NCAA back in 1997, perhaps not realizing at the time that NCAA officials (read athletic directors) knew only too well that school presidents would be powerless to really control the growth of the NCAA's college sports entertainment businesses. There was too much money involved and presidents would have neither the time nor inclination to delve into the contentious issues surrounding intercollegiate athletics. Besides, the presidents would be subjected to enormous pressure from sports boosters on their governing boards, as well as from wealthy alumni donors and government officials.

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." 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—served to block any strong recommendations.

All the above was done by the Commission while spending \$-millions 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—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 become part of the problem.

The Commission restrains from criticism of NCAA activities no matter how appropriate criticism may be, does not endorse common sense reform proposals made by volunteer organizations such as The Drake Group (TDG), the Coalition on Intercollegiate Athletics (COIA), the National Institute for Sports Reform (NISR), and the National Coalition Against Violent Athletes (NCAVA). It has also been loathe to appeal to Congress for help with legislation to help control the NCAA—for example, by not endorsing TDG's 4-year effort to have Congress revise the federal tax code so as to make the NCAA cartel's tax exempt status contingent on meeting requirements for transparency, accountability, and oversight that would ensure that college athletes are legitimate, degree-seeking students.<sup>2</sup>

Nonetheless, over the years, the prestigious, well-funded, Commission remains the brand name associated with the 'go-to' organization for comments on college athletics and related reforms. Some writers continue to refer to the Commission as the watchdog Knight Commission. In the face of abundant evidence to the contrary, one has to wonder how this is possible.

**THE COMMISSION FUNCTIONS AS AN ARM OF THE NCAA** – When addressing complex, contentious socioeconomic issues, experience indicates that more can be accomplished through collaboration and seeking common ground than through confrontation. That said, the Knight Commission on Intercollegiate Athletics has taken collaboration with the NCAA and its member institutions (a.k.a. the NCAA cartel) to a whole new level—precluding collaboration with serious reform-minded organizations that are independent of the NCAA.

Given the present and past links of many Commission members to the NCAA, the Commission's strong bias toward the NCAA should come as no surprise. Neither should the Commission's lack of involvement with meaningful reform measures. On the other hand, it has been quick to lend its prestige and support to the NCAA—endorsing as well as touting its ineffective reform measures with a stifling impact on the reform efforts of others. Why so? The Foundation's lofty stature in the news business and its status as the 'go-to' organization permits it to serve as a megaphone for NCAA-favorable messages to the media via their well publicized press conferences.

For all intents and purposes, the Commission now serves as a surrogate for the NCAA as it maintains a gentleman's agreement with NCAA cartel officials—an informal, unspoken agreement not to address or make a fuss over key issues such as academic corruption and the number of NCAA rule changes that have emphasized athletics over academics so as to professionalize its Div.-1A football and men's basketball programs. The overall result has been the denial of meaningful opportunities for athletes to function as real college students while enormous amounts of money are spent to give the appearance that these athletes are indeed legitimate students.

All too familiar byproducts of these changes have been low academic admission requirements with lower academic performance, academic corruption, and the increased use of performance-enhancing drugs and related violent behavior by athletes. All the while, the Commission has refused to endorse and/or promulgate reform recommendations that have been made by COIA and TDG.... recommendations that would have gone a long way toward improving the educational opportunities for college athletes.

Like the NCAA, the Commission has resisted changes that would provide college athletes meaningful opportunities to function as real students. For example, it has not recommended:

1. Restoration of first-year ineligibility for freshmen with expansion to include transfer athletes;
2. Reduction in 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;
3. Restoration of multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance; or, replace athletic scholarships with need-based scholarships; and a
4. Requirement that athletes honor the terms of their multiyear athletic scholarship with appropriate penalties to the school and athlete for broken commitments such as 'one and out' to the NBA.

**RECENT ACTION BY THE DRAKE GROUP** – The Commission's silence re: the NCAA's resistance to these and other meaningful reform recommendations is part and parcel of its gentleman's agreement with the NCAA. Among other things, this silence provided additional impetus for TDG's October 2009, messages to the Commission's president and CEO.

The aim of these messages was to first of all urge the Foundation not to give up on college sports reform, and second, to take a hard look at its Commission on Intercollegiate Athletics and then to get it back on track. This would mean getting the Commission to act in a way that would affect positive change.... change as it pertains to placing academic interests ahead of athletic interests in college sports—reclaiming academic primacy and integrity in higher education—as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university, a goal set forth in the Commission's 2001 *Call to Action*. Also, to have the Commission seize an opportunity to join forces with TDG, COIA, and faculty groups in a nationwide effort to reclaim academic primacy in higher education.

**WHAT ELSE MIGHT BE DONE?** – Good business practice would have the Foundation Trustees calling for a cost-benefit analysis of the Commission's operations over the past 10-12 years. The Commission's "watchdog" activity related to college sports over this period has been focused on the defense of the status quo as it provided cover for the NCAA while withholding support for reforms recommended by COIA and TDG.

What about the Commission's latest report citing the admission of school presidents that they are unable to control athletic program costs that threaten the integrity and future of America's higher education system? That's a good question. Although the 'findings' in the Knight Commission's latest report were not really news, they were nevertheless of value. The admission by school presidents not only corroborates exactly what Jim Duderstadt, Emeritus President of the University of Michigan, was saying over six year's ago, but also corroborates the (seemingly unheard) messages that were reiterated over the ensuing years in several of the author's commentaries on college sports reform that were brought to the attention of the Commission.

Notwithstanding all of the above, the odds are against the Foundation conducting a thorough cost-benefit analysis. Any such proposal would likely be resisted by Foundation Trustees with strong ties to the NCAA as well as by Knight Commissioners who are staunch sports boosters with college and university as well as NCAA affiliations. This resistance can be overcome by truth.

The Commission related commentaries should give the reader a good sense of how the Commission came to be co-opted by the NCAA—undermining the college sports reform efforts of other organizations. The Knight Foundation's money and its good name are literally being wasted on its Commission on Intercollegiate Athletics. That's why the Commission needs fixing.

# THE COMMENTARIES

There follows a list the commentary titles that are presented in chronological order—providing historical background, problem identification, and rationale for a return to the Commission’s original watchdog mission.

The reader’s attention is called to the last three commentaries that lead up to an opportunity for the Commission to join forces with TDG, COIA, and faculty groups in a nationwide effort to reclaim academic primacy in higher education.<sup>3</sup>

1. *Lines Between NCAA & Knight Commission Now Blurred – Time for Congress to Step In?*, June 2005, p.5
2. *College Sports Reform: Beyond the Knight Commission*, November 2005, p. 10
3. *Presidents Flex Their Muscles To Maintain The Status Quo In Big-Time College Sports*, May 2006, p. 15
4. *Cheating in College Athletics: Presidential Oversight Notwithstanding*, February 2008, p. 18
5. *Dancing Partners: The NCAA and the Knight Commission*, November 2008, p. 21
6. *Principles of Amateurism Undermined Long Ago*, December 2008, p. 24
7. *College Leaders Again Urged to Consider Solutions for Sports Mess*, May 2009, p. 25
8. *Don't Give Up on College Sports Reform*, September 2009, p. 31
9. *On Reforming College Sports and Curbing Profligate Spending*, October 2009, p. 34
10. *Faculty Action at UC-Berkeley Warrants Emulation*, November 2009, p. 38

## NOTES

1. Portions of this Introduction were used for the author’s Nov. 28, comment on Gilbert Gaul’s Op-Ed, “The Department of Lucrative Athletics,” Nov. 27, 2009, *New York Times Online*, [[http://www.nytimes.com/2009/11/28/opinion/28gaul.html?\\_r=1&ref=opinion](http://www.nytimes.com/2009/11/28/opinion/28gaul.html?_r=1&ref=opinion)], and on page A19 of the Nov. 28, print edition. My thanks go to Bob Gilbert and Jim Vaughan for calling my immediate attention to Gaul’s candid assessment, but pessimistic outlook re: cleaning up the college sports mess.

2. Splitt, Frank G., "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," *The Montana Professor*, [[mtprof.msun.edu/Spr2007/splitt.html](http://mtprof.msun.edu/Spr2007/splitt.html)], Spring 2007.

3. An electronic version of this document can be accessed at [[http://www.thedrakegroup.org/Splitt\\_Knight\\_Commission.pdf](http://www.thedrakegroup.org/Splitt_Knight_Commission.pdf)].

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

Posted June 16, 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 the 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. 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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### 3. Presidents Flex Their Muscles to Maintain the Status Quo in Big-Time College Sports

#### COLLEGE ATHLETICS CLIPS GUEST COMMENTARY

by Frank G. Splitt

*CLIPS EDITOR: In this commentary Frank Splitt – fast becoming the conscience of college athletics - eloquently frames the dilemma that college presidents across the country face every day: to maintain the status quo of the arms race (i.e.-feed the monster), or to enforce financial and academic restraint (i.e.-tame the monster).*

May 11, 2006

Brad Wolverton's article, "Presidents Flex Their Muscles," [*The Chronicle of Higher Education*, <http://chronicle.com/free/v52/i34/34a04801.htm>, April 28, 2006], and the related piece, "Other Presidents Who Are Shaping College Sports," [<http://chronicle.com/free/v52/i34/34a04901.htm>], aim to tell a story of how "a wave of college leaders, led by the U. of Hartford's Walter Harrison, is exerting more influence over sports." One is led to expect to read of how these leaders are exerting their influence to bring about substantive reform in college sports.

With all due respect to these well-intentioned presidents, the reader is sadly left to wonder what these leaders have really accomplished beyond flexing their muscles to maintain the status quo and providing salient examples of the implementation of the NCAA's Deloitte-consultant-recommended, reputational-risk-mitigation strategy. Let me explain.

First off, presidents cannot stand up to lead an effort to change the status quo in any meaningful way 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.

There should be little wonder that presidents serve on the NCAA's executive committee, presidential commissions and committees, as well as on the Knight Commission. Simply put, they serve as 'foxes' guarding a money-filled henhouse.

In accordance with the Deloitte strategy, presidents also serve as a part of the NCAA's communications (spin) team that works to mitigate unfavorable press. For example, see the Sept. 24, 2005, accentuate-the-positive-ignore-the-negative letter to the editor by Mark Murray, president of Grand Valley State University, in response to Skip Rozin's column, "The Brutal Truth About College Sports," [*The Wall Street Journal*, Sept. 15, 2005].

An outcomes assessment of the work of the college leaders would show work to enact rules limiting colleges' use of American Indian imagery, but little if any evidence of work to de-emphasize college sports via reform measures aimed at limiting its growth and restoring academic and financial integrity in our nation's colleges and universities. On the contrary, presidents have worked to:

1. Put an academic face on the NCAA's commercial college sports entertainment business, complementing the hiring of Myles Brand, the former president of Indiana University as its president;
2. Support the NCAA's effort to avoid congressional inquiries on 'hot' issues such as: the legitimacy of its tax-exempt status, the use of steroids and performance enhancing drugs, the violent behavior of some college athletes, and alleged antitrust violations;

3. Serve as forceful advocates of the NCAA party line -- parroting Brand on policies and reform measures;
4. Maintain the status quo and the illusion that college athletes are legitimate, degree-seeking students in good standing
5. Develop and tout the NCAA's latest window-dressing reform measure, the Academic Progress Rate (APR), that is intrinsically susceptible to countermeasures since its implementation is based on self reporting (without external oversight), the availability of easy-to-get waivers and exceptions, weak enforcement, and even weaker penalties for infractions and cheating.
6. Co-opt the Knight Commission that has apparently abandoned its "watchdog" mission as it works in cooperation with the NCAA, 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 -- becoming a well-orchestrated charade funded by the John S. and James L. Knight Foundation..

Something obvious is missing. Could it be the rest of the story? This would be a truth-telling story containing matching, equivalent-length profiles of current and past presidents, faculty and others that are really exerting influence to bring serious reform to college sports -- restoring academic and financial integrity to institutions of higher education along the way.

Might I suggest the following for consideration: Scott Adler, Linda Bensel-Meyers, Derek Bok, Jim Duderstadt, Jim Earl, Jon Ericson, Gordon Gee, John Gerdy, Jason Lanter, Richard Lapchick, Tom Palaima, Kathy Redmond, David Ridpath, Allen Sack, Virginia Shepherd, Richard Southhall, Ellen Staurowski, Carol Simpson Stern, Bruce Svare, John Thelin, Carl Wieman, Andrew Zimbalist, and Nancy Zimpher.

Note that Derek Bok and Jim Duderstadt are emeritus presidents and that Gordon Gee and Nancy Zimpher are the only sitting presidents in the above listing. The following quote may explain why the dearth of sitting presidents. It comes from Clara Lovett, president emerita of Northern Arizona University:

"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." See Commentaries in "RECLAIMING ACADEMIC PRIMACY IN HIGHER EDUCATION," [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf).

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. It would take a tremendous amount of courage for university presidents sitting on the NCAA Executive Board, its Division I A Board of Directors or its Presidential Task Force on the Future of Intercollegiate Athletics, or, on the Knight Commission, to flex their muscles and 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."

All indications point to the fact that it is now time for government intervention -- for the Congress to step in to force the presidents and the NCAA to enact serious reform.

**NOTE:** The above essay is an extension of a May 1, comment made by the author on *The Chronicle of Higher Education Forum* "Power Players," <http://www.chronicle.com/forums>. The forum was initiated on April 21, 2006, to address the question: What would you do to reform college athletics? As was stated by the Forum Moderator: "With rising public concern about college athletics programs, more institutions' presidents and chancellors are getting involved in sports policy. If you are a college leader, what are you doing to resist commercial interests? To ensure ethical behavior by your athletics director and coaches? To raise money for sports facilities? To help your athletes stay on track academically? To discourage players' illegal or uncivil behavior off the field? If you are not a college leader, what would you recommend your president or chancellor do? The moderator provided hyperlinks to the articles by Brad Wolverton. The articles were published in the *Chronicle* a week after the forum was initiated.

***There should be little wonder that presidents serve on the NCAA's executive committee, presidential commissions and committees, as well as on the Knight Commission. Simply put, they serve as 'foxes' guarding a money-filled henhouse.***

## 4. Cheating in College Athletics: Presidential Oversight Notwithstanding

By Frank G. Splitt

**BACKGROUND** – In a recent *Inside Higher Ed* article, Elia Powers correctly states: "It's standard practice for a college president's job description to include the phrase 'athletics oversight,'"<sup>1</sup> Also, Jim Duderstadt, President Emeritus and University Professor of Science and Engineering, University of Michigan, is quoted as saying: "Presidents sometimes don't realize how disruptive athletics scandals can be to universities and to their own work; and, the idea of putting athletics oversight in the hands of presidents was supposed to make them more inclined to control the beast, but presidents have largely been unable to stop the enterprise from careering out of control."

**DOWNSIDE OF PRESIDENTIAL OVERSIGHT** – Apparently, no one anticipated the horrific downside to putting athletics oversight in the hands of sitting presidents who are literally caught between the proverbial rock and a hard place—"between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously."<sup>2</sup>

The NCAA hired Dr. Myles Brand, a president out of Indiana University, to serve as its president as well as its academic front man. Brand is the first university president to so serve. The NCAA then went on to appoint like-minded presidents to its Executive Committee.

During his tenure in office, Brand has continued the pattern by appointing NCAA-friendly presidents to his special 'study' committees. Similarly, the Knight Foundation appointed several status-quo-defending presidents to its Commission on Intercollegiate Athletics—facilitating the co-option of this Commission by the NCAA.

The presidents have not only been unable to stop the college sports enterprise from careering out of control, but, on the contrary, have contributed in large measure to building the colossal college sports entertainment business.<sup>3</sup> In so doing they have secured their jobs by keeping their booster trustees as happy donors with tax benefits, legislators as enthusiastic supporters, and, most important of all, cashing in on the ocean of money generated by their sports business.

Considering the benefits, it's easy for an otherwise distinguished college president to give eloquent lip service to athletics oversight and look the other way while his/her school cheats in one way or another to stay competitive, especially so when almost all the other presidents are doing the same. Besides, cheating in college athletics has become part of America's sports culture and who wants to be a spoilsport?

**CHEATING IN COLLEGE ATHLETICS** – Similarities exist between today and the 1960s-1970s era—rendering an insight into why what occurred decades ago, with the widespread use and abuse of recreational drugs, provides a context for what occurs today in big-time college athletics. "Rules and laws aren't always the factors determining behavior in society. Sometimes it's the prevailing culture" says Mike Imren.<sup>4</sup>

Imren also says a stigma wasn't always attached to smoking cigarettes or even drinking and driving. They were simply things people did without thinking. It was simply part of the culture. Now society and sports emphasize the adverse health effects as well as legal consequences of those activities. According to Imren, baseball players believed it was OK to use performance enhancers in the 1980s-2000s because it was ingrained in the culture, saying: "Participants didn't necessarily think it was all right. They just thought it fell into a wink-wink gray area that wasn't all wrong. Some players have been scared straight. Yet many likely continue to try to beat testing and the system."

So too it is with cheating in college athletics that ranges from breaking NCAA rules to the use of performance-enhancing drugs and academic corruption.<sup>5</sup> Everybody cheats to one degree or another; it's ingrained in America's sports culture as is the fine art of casting a blind eye. It's only wrong if you get caught.

**NEED FOR A BRIGHT LINE** – As many of America's colleges and universities have now become dependent on their take of the revenues related to their service as homes for the NFL's and NBA's minor league football and basketball teams, there is a compelling need for a bright line to be drawn between permissible and illegitimate support of big-time football and men's basketball programs at these schools.

No such bright line has ever been drawn and enforced. If drawn, it would be subject to considerable downward pressure to lower the bar so as to allow the schools to recruit and keep academically disadvantaged college athletes eligible to play and even graduate from academically shallow "diploma-mill-like" general studies programs.

The latter course of action was made all the easier when Congress made clear last year that it stands firmly alongside the colleges on accreditation matters. The outcome of recent accreditation wars between the U. S. Department of Education (DOE) and the colleges appears to indicate that colleges, rather than the DOE and its approved accrediting agencies, have secured the right to define academic success—giving colleges, the authority to set the terms of their own academic evaluations.

These events take us to another Imren insight: "Education isn't what matters most anymore. Not even winning is. A school would be content with stupid losers if the program still generated enough revenue."<sup>6</sup>

**THE U.S. CONGRESS** – Congress could follow up on previous investigations with a hearing on an unheralded national scandal—cheating in college athletics driven by tax-free money generated by the NCAA's participation in the college sports entertainment business. However, many, if not most, members of Congress consider taking on the NCAA to be political suicide—no matter the long-term harm to our nation resulting from the high-jacking of its education system by this business.

Members of Congress appear to have separated what they think is right from what they think will work. This is an election year when political realities dictate a focus on more pressing concerns such as getting elected/re-elected, the economy and terrorism. In the end, tolerating cheating in college athletics via performance-enhancing drugs and academic corruption appears to be preferable to confronting the formidably resourced NCAA and its member institutions. Maybe so, but still one must wonder—change is in the air.

**CONCLUDING REMARKS** – People who should know better simply look the other way, or are taken in by the NCAA's spin, letting America's taxpayers continue subsidizing the business of college sports played by professional athletes, who must pose as students as part of the NCAA's student-athlete charade. But not all cheaters are created equal. The degrees of cheating and associated rationale are as diverse as are the schools and the individuals involved—presidents, trustees, athletic directors, boosters, coaches, and faculty.

To whatever degree, as Paul Gallico wrote some seventy years ago: "College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy."<sup>7</sup> Today he would have to give equal billing not only to college basketball, but to all the cheaters in college athletics.

But at what cost is all of this cheating to the educational mission and academic integrity of America's institutions of higher education and to American taxpayers? Obviously, that will be a problem for someone else to face.

*February 23, 2008*

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## 5. Dancing Partners: The NCAA and the Knight Commission

David Mortz's report<sup>1</sup> covering the most recent meeting of the Knight Commission on Intercollegiate Athletics (KCIA) as well as the KCIA's press release on the meeting<sup>2</sup> was foreshadowed by an earlier opinion piece by William E. Kirwan, and R. Gerald Turner, the KCIA's co-chairs.<sup>3</sup>

It seems that there is no end to the means to which the NCAA and the KCIA will go to defend the NCAA's big-money turf and the status quo in collegiate athletics. The Kirwan-Turner opinion piece had a clear ring to it—prompting a question: Isn't the pot calling the kettle black?

The authors write:

These online fantasy leagues, which use the real names and statistics of collegiate athletes, raise a crucial question for higher education leaders: Is it amateurism in college sports that has become a fantasy?

A resounding YES answer to this question has long been apparent to all who are concerned about the integrity of collegiate athletics and are working to bring about transparency, accountability, and independent oversight to the college sports entertainment business.

The subtitle of the Kirwan-Turner opinion piece read: "NCAA rules are clear: college athletes are amateurs and should not be part of these new business enterprises." Unfortunately, NCAA rules do not amateurs make, at least not in the NCAA's big time programs as well as in many of their lesser programs.

To that point, in a recent article, Amy and Robert McCormick expose a theme common to three areas of law, labor, antitrust, and tax.<sup>4</sup>—showing that each of these areas of law distinguishes between commercial and amateur activities, regulating the former and exempting the latter. Under the assumption that major college sports are amateur, these laws have exempted college athletics from regulation, providing them unwarranted shelter. The McCormicks challenge this amateur assumption by examining the deeply commercial nature of major college sports—calling for the laws' application to them. Also see Sack<sup>5</sup> and Splitt<sup>6</sup> for more on the NCAA's tenuous, if not false, claim concerning the amateur status of college athletes.

The NCAA's bedrock amateurism principles of many years ago—which required colleges and their business partners to treat athletes like other students and not as commodities—were undermined by unrestrained commercialism and related academic corruption.<sup>7, 8</sup>

Since it was founded in 1989, the KCIA has strongly advocated policies that protect college athletes from commercial exploitation *except by the colleges themselves*.

Nowhere was this failing more apparent than at the KCIA's last meeting. The press release, headlined "Knight Commission Criticizes Commercialization of College Athletes

in Fantasy Sports,” says all. The CBS Sports' Fantasy College Football enterprise is simply following the lead of the college's much more extensive commercial exploitation of their athletes.

Concerning financial matters, KCIA Co-chair Kirwan said:

It's clear that college sports have a spending problem that must be addressed. In the aggregate, athletics spending continues to escalate while instructional spending has remained stagnant and has even decreased at many institutions. The current economic climate and the needs of our universities require a change in this imbalance.<sup>2</sup>

So, when the Commission continues its year-long examination of financial issues this coming January, the commissioners would do well to heed the words of the Chancellor Emeritus of the University of Hawaii-Hilo, Edward J. Kormondy, who said:

The lavish centers that are intended to help players maintain their eligibility are the height of ludicrousness and demonstrate, disgustingly, the commercialization of sports and the inability of the National Collegiate Athletic Association to muster up the muscle to step in. The really sad part is the neglect of the 90-plus percent of students who are not athletes—many of them need to maintain their eligibility to graduate, too.<sup>9</sup>

For all intents and purposes, the prestigious Knight Commission continues to partner with the NCAA—abandoning its watchdog role as it dances with its partner around the margins of the real problems with big-time college athletics while creating the illusion it is serious about meaningful reform.<sup>10</sup>

Since the KCIA's next meeting will commemorate the 20th anniversary of the KCIA's founding, it would be most appropriate if the Commissioners would give thoughtful consideration to:

1. What Creed Black, president of the John S. and James L. Knight Foundation from 1988 to 1997 and the founder of KCIA, intended them to be about—as reflected in the leadership of the KCIA's first co-chairs, William C. Friday and the Reverend Theodore M. Hesburgh, CSC, who were on a clear mission—putting pressure on the NCAA to clean up its own act before Congress stepped in to do it for them.
2. The impression that rather than working for true athletic reform, the KCIA is allowing itself to be used to further the NCAA's own vested, money-making, commercial interests;
3. Endorsing The Drake Group's effort to have the U. S. Congress require the NCAA and its member schools 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—as well as require measures of transparency, accountability, and oversight that are adequate to this task.

Now that could make for a meaningful meeting and the possibility that the KCIA will evolve a call to action aimed at restoring its credibility.

Frank G. Splitt

*November 6, 2008*



## NOTES

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## 6. Principles of Amateurism Undermined Long Ago

<http://chronicle.com/weekly/v55/i16/16a02802.htm>

*The Chronicle of Higher Education*

From the issue dated December 12, 2008

### LETTERS TO THE EDITOR

To the Editor:

In "NCAA Takes Heat Over Commercialization of Athletes" (*The Chronicle*, November 27), Libby Sander reports that many members of the Knight Commission on Intercollegiate Athletics, including some university presidents, said the new CBS fantasy-football league represented a "slippery path" toward exploitative commercialization of college sports. What these commission members don't seem to realize is that college sports has already slipped down the path of exploitative commercialization.

The NCAA's bedrock amateurism principles of many years ago — which required colleges and their business partners to treat athletes like other students, and not as commodities — were long ago undermined by unrestrained commercialism and related academic corruption.

William E. Kirwan and R. Gerald Turner, the commission's co-chairs, have said that "NCAA rules are clear: College athletes are amateurs and should not be part of these new business enterprises." However, NCAA rules do not amateurs make, no matter how clearly NCAA rules say that college athletes are amateurs — at least not in the NCAA's big-time programs, as well as in many of their lesser programs. To claim otherwise is disingenuous at best.

Since it was founded in 1989, the commission has strongly advocated policies that protect college athletes from commercial exploitation — except by the colleges themselves. The CBS Sports fantasy college football enterprise is simply following the lead of the colleges' much more extensive commercial exploitation of their athletes.

Although the NCAA takes sporadic heat from some commission members, the NCAA and the commission still remain joined at the hip in a continuing march of folly.

Frank G. Splitt  
Mount Prospect, Ill.

*The writer is a former McCormick faculty fellow at Northwestern University's McCormick School of Engineering and Applied Science.*

<http://chronicle.com>

Section: The Chronicle Review

Volume 55, Issue 16, Page A27

## 7. College Leaders Again Urged to Consider Solutions For Sports Mess: Likely to No Avail Unless...

*Clips Guest Commentary*

*Our guest author proposes a college sports czar “empowered with a mandate for change and the authority to affect really serious reform, including the authority to rule over officials at the NCAA and its member institutions as well as conference officials on all matters pertaining to intercollegiate athletics.”*

*By Frank G. Splitt, The Drake Group, May 20, 2009*

*What has been allowed to become a circus—college sports—threatens to become the means by which the public believes the entire (higher-education) enterprise is a sideshow.*

—**A. Bartlett Giamatti**, former president of Yale University and former commissioner of major league baseball

*It seems to me I've heard that song before; it's from an old familiar score; I know it well, that melody.*

— **Sammy Cahn & Jule Styne**, from "I've Heard That Song Before," 1939

**PREFACE** – According to the Knight Commission Press Release on their May 12, 2009 meeting,<sup>1</sup> the headlined urge came after they were told by scholars and experts on higher education and intercollegiate sports that the financial crisis in college sports is not only attributable to the ongoing recession, but also to declining athletics revenues unable to keep up with a runaway train of spending.

R. Gerald Turner, co-chairman of the Knight Commission and president of Southern Methodist University, said “The recession is accelerating the need to make hard choices about college athletics, but the fundamental problems will not abate when the economy improves.... Through innovative solutions, we can take measures to reign in ever-increasing athletics spending and preserve all that is good about college sports.”

Repeated calls for college sports reform have gone unheeded for decades. Notwithstanding the current economic crisis, there is no reason to believe that the Knight Commission's latest "urging" will fare any better than its 2001 call to action. Here's why and what it would take to clean up the mess in college sports.

**WHERE HAVE WE HEARD THAT SONG BEFORE?** – We need look no further than the Knight Commission's 2001 report, *A Call to Action*,<sup>2</sup> for the answer. The report, a ten-year review of progress made since the original Commission reports, called for a stronger commitment to academic standards in college sports. It found that the problems of big-time sports—academic transgressions, a financial arms race, and commercialization— had grown rather than diminished since their three reports were published in the early 1990s. It should have been used as a briefing paper for the May 12 meeting.

Given the sad state of affairs in 2001, the Commission recommended a new model for reform based on the establishment of a Coalition of Presidents—directed toward an agenda of academic reform, de-escalation of the academic arms race, and de-emphasis of the commercialization of intercollegiate athletics. Also recommended was the formation of a separate and independent body, an Institute for Intercollegiate Athletics, that would serve as a watchdog to maintain pressure for change by keeping the problems of college sports visible, provide moral leadership in defense of academic integrity, monitor progress toward reform goals, and issue periodic report cards.

To the best of my knowledge, none of these recommendations were implemented. However, many of the watchdog operations have been undertaken by The Drake Group and other volunteer reform-minded organizations.

**FINANCIAL TRAIN WRECK** – In a 2004 essay,<sup>3</sup> I used the following quote from Jim Duderstadt, Emeritus President and University Professor of Engineering at the University of Michigan and the author of the Foreword to the cited essay : "We're headed for a train wreck. It'll be financial because how much worse than the Colorado scandal can you get?"<sup>4</sup> Duderstadt reckoned that the financial wreck could be caused by a federal antitrust lawsuit or by arrogant athletic departments overtly cannibalizing student programs to keep football and basketball programs.

At the time, it was my view that it was more likely that the "financial wreck" would come from a serious IRS study/audit of the favorable tax treatment of the commercial activities of athletic departments, saying: An in-depth IRS audit would be the NCAA cartel's worst nightmare having the potential to fully expose the extremely weak educational basis for the current financial structure of big-time college sports that would not only force very major reform, but also provide unassailable "cover" for reform-minded university presidents and governing boards.

This line of thinking ultimately led to The Drake Group's comments on the Revised IRS Form 990—an information form that serves the purpose of verifying that an organization's activities are consistent with its exempt purpose. The use of this form, in accordance with The Drake Group's comments calling for transparency, accountability, and oversight, could help force the NCAA and its member institutions to tell the truth about their sports entertainment business.<sup>5,6</sup>

At the Commission meeting, John Colombo, University of Illinois tax-law professor, presented his recent paper<sup>7</sup> that explains how it would be difficult to remove tax-exempt status from "big-time college" football and basketball programs. Colombo argued, however, that Congressional action would be justified in attaching special limitations to athletics programs, such as restricting expenditures and/or mandating disclosures so that programs could continue to receive "tax-favored status."

Additional insights on tax issues related to collegiate sports can be obtained from a recently published Congressional Budget Report<sup>8</sup> that shows colleges receive tax benefits that aren't available to private businesses that engage in the same commercial activities.

It suggests colleges should explain how they use their commercial revenue to get the biggest bang for the buck in fulfillment of their educational mission.

It is ironic that current federal tax policy helps fuel the NCAA cartel's big-time college sports entertainment businesses where parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, 'stadium wars,' tax breaks for wealthy boosters, NFL and NBA minor league teams, and other artifacts of the big-time college sports arms race. Meanwhile, the NCAA works to further its financial interests and thwart any and all serious reform efforts—especially those that could expose their 'student-athlete' ruse or possibly reduce their revenues.

**WHY THINGS HAVE NOT CHANGED** – Generally speaking, NCAA officials along with the officials of their member institutions (presidents and their administrations, including governing boards, athletic directors and coaches) really don't want change for a variety of reasons, first and foremost of these reasons are vested self interests.

John V. Lombardi, President, Louisiana State University System and former Chancellor at the University of Massachusetts Amherst, made the case for maintaining the status quo in college athletics. When arguing in opposition to the Revised IRS Form 990, he said: "Mega college athletics is indeed a remarkable American invention, it reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we (our faculty, our staff, our alumni, our legislators, our trustees, our students, and our many other constituencies) want it. We could easily change it, if most of us wanted to change it. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best (often the most expensive) programs in America by winning games and championships."<sup>9</sup>

**VEILED CALL FOR TRANSPARENCY AND HELP FROM THE FEDS?** – At their May 12, meeting, Knight Commission co-chairman William E. Kirwin, Chancellor of the University System of Maryland, noted that a wealth of recent data developed by the NCAA confirmed that athletics expenses are growing at two to three times the rate of total spending for universities and also debunked the myth that high coach salaries are connected to increased winning percentages. Kirwin was quoted as saying: "We need to do more to make NCAA data clear and transparent to university trustees, alumni and the general public, so they can have a better understanding of the fundamental problems. Better data and more transparency help us debunk the myths that have led to excessive spending on coaches' salaries and other areas of intercollegiate athletics."

Co-Chair Kirwin said, "While we generally don't believe that Congressional action is necessary to regulate intercollegiate athletics, we are not ready to dismiss any proposals that could provide effective means to address our challenging financial problems."

**REFORM DOOMED TO FAILURE WITHOUT FEDERAL INTERVENTION –**

Spending and corruption related to big-time college sports programs have continued to grow unabated despite twenty years of Knight Commission meetings and reports as well as essays from others urging reform. This growth is not only a consequence of the absence of restraining federal intervention.

requiring a substantial increase in transparency, accountability and oversight, at the NCAA and the athletic programs at their member institutions, but also the lack of responsible leadership. No one is responsible for cleaning up the mess in college sports.

Experience has shown that the Knight Commission and other reform-minded organizations are toothless paper tigers. No matter how apropos and compelling their arguments, their urgings and proposals go unheeded—doomed to failure since they have no 'bite.' Barring a total collapse of America's economy, things will go on as they always have unless and until the federal government steps in.

**WHAT'S NEEDED** – The buck stops nowhere in college sports reform—no one is responsible for implementing and enforcing reform measures adequate to the task. To be sure, the NCAA has been extraordinarily successful in creating the illusion that they are doing just that.

After six years of reading, writing, speaking, and listening about college sports reform, it has become abundantly clear that real college sports reform is in desperate need of responsible leadership in the form of a strong commissioner of intercollegiate athletics—a college sports czar— akin to Judge Kenesaw Mountain Landis, baseball's first commissioner.

Judge Landis took control of major league baseball when its integrity was in question—restoring integrity by banning eight members of the 1919, Chicago Black Sox. Needless to say, the long-term negative impact academic corruption and loss of academic integrity would have far more devastating consequences for America than would the corruption of major league baseball. Why? Because there would be a consequent deterioration of America's overall well being as well as its leadership position on the world stage <sup>10</sup>

The college sports commissioner should be empowered with a mandate for change and the authority to affect really serious reform. This would include the authority to rule over officials at the NCAA and its member institutions as well as conference officials on all matters pertaining to intercollegiate athletics. Anything less would all but guarantee a continuation of the corrupting, cancer-like growth of professional college sports in America's failing education system.<sup>11</sup>

The appointment of a college sports czar would likely require the personal attention of President Obama—an intervention in college sports not unlike that of President Teddy Roosevelt's in 1908 that gave rise to what is today's NCAA. No doubt a loud roar of protest will be heard from defenders of the status quo at the very thought of a college sports czar, let alone presidential intervention that could help put an end to the corruption in collegiate athletics as well as the exploitation of college athletes.

**CONCLUDING REMARKS** – So what can be made of all of this—including what seemed to be the Knight Commission's openness to help from the feds? Although there was no recognition of The Drake Group's request for the Knight Commission's endorsement of its appeal for government intervention—re: the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education—Co-chair Kerwin's language offers a basis for hope that finally someone on the Commission 'gets it.'

In the light of global realities and the financial crisis, the president and members of his administration, as well as members of the U.S. Congress, must understand that there are more important challenges in higher education than those related to bracketing the NCAA's "March Madness" basketball tournament and resolving the BCS-bowls vs. playoff-regime conflict to determine a national college football champion. They may finally come to realize that prioritizing investments in athletics over investments in academics at America's colleges and universities is not only a very bad idea, but also a big waste of taxpayer money.

The Commission will meet again in Miami, Florida, on Oct. 26 to commemorate the 20th anniversary of its founding and to continue its examination of financial issues and potential solutions. Perhaps the Knight Commissioners can allot time for serious consideration of the above as well as the ideas previously put forth by The Drake Group, John Columbo's paper, and the Congressional Budget Report, to determine what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the Commission's 2001 call to action.

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***This commentary represents an updated version of the commentary posted May 17, 2009, on CollegeAthleticsClips. Essentially this same commentary was posted May 20, 2009 as a comment on David Moltz's Inside Higher Ed report, "Athletics, Antitrust and Amateurism," <http://www.insidehighered.com/news/2009/05/13/knight>***



## 8. Don't Give Up on College Sports Reform

*Clips Guest Commentary*

*Our guest author has spoken out consistently about his belief that college athletics cannot be reformed from within, and he reaffirms his belief in his latest commentary.*

*Frank G. Splitt, The Drake Group, 9-23-09*

**Professor Robert Zemsky**, the founding director of the University of Pennsylvania's Institute for Research on Higher Education and a leading researcher on the future of higher education, pulled no punches when addressing the Knight Commission on Intercollegiate Athletics at their May 12, 2009, meeting, saying:

Since you've been in business, things have gotten a lot worse. ... A set of values is not present to hold athletics accountable, so the competitive pressures of the market give you what you have.

Zemsky, who was a member of Secretary of Education Margaret Spellings' Commission on the Future of Higher Education (a.k.a. the Spellings Commission) went even further when commenting on college sports in his new book, *Making Reform Work*.<sup>1</sup> To make higher-ed reform work, Zemsky argues for the necessity of a don't-do list with the NCAA's Big Money Sports the first item on his list.<sup>2</sup> He writes:

Don't Try to Reform the NCAA's Big Money Sports. In the realm of higher education reform, intercollegiate athletics is the one that got away—permanently. Derek Bok is right when he laments that it's already too late to reverse the tide of athletic commercialism. The sums are too large, the constituencies too powerful, the absence of agreed-upon purposes all too readily apparent.

Is reform necessary?—yes. Is it possible?—no, just ask the Knight Commission on Intercollegiate Athletics. Ten years after their initial report, the distinguished panel that composed the commission was painfully blunt in assessing the Commission's lack of success.

*The bad news is hard to miss. The truth is manifested regularly in a cascade of scandalous acts that, against a backdrop of institutional complicity and capitulation, threaten the health of American higher education. The good name of the nation's academic enterprise is even more threatened today than it was when the Knight Commission published its first report a decade ago. Despite progress in some areas, new problems have arisen, and the condition of big-time college sports has deteriorated.*<sup>3</sup>

Big-time football and basketball will not likely change any time soon—witness current discussions as to whether athletes in these money sports deserve to be paid given the substantial funds the sponsoring universities derive from their athletic prowess. The best higher education can hope for is that eventually universities will cut loose their programs in football and basketball, making the university a sponsor rather than an owner of the enterprise.

**I agree with Zemsky.** Any attempt to reform big-time college sports from within would be a complete waste of time and energy since there is no part of the higher-ed establishment that has the wherewithal to do the job—as Zemsky said, not even the prestigious Knight Commission. For all intents and purposes, the commission has spent the last ten years partnering with the NCAA—

abandoning its watchdog role as it works around the margins of the real problems with big-time college athletics while creating the illusion it is serious about meaningful reform.<sup>4</sup> Zemsky's concluding sentence could better reflect what's going on with congressional initiatives in college sports reform if written as follows:

The best that critics of America's higher education enterprise can hope for is: federal intervention that would force the NCAA and its member institutions to comply with the government's and their own rules and regulations, or, colleges and universities will eventually cut loose their programs in football and basketball, making the university a sponsor rather than an owner of these sports entertainment businesses.

One can always hope, but don't bet on either of these outcomes.

**Re: Federal Intervention** – Senator Charles Grassley (R-IA) has found that there are few (if any) of his colleagues willing to sacrifice their political careers by joining him in an effort to follow up on former Congressman Bill Thomas' 2006 scrutiny of the NCAA to determine the justification for the tax breaks enjoyed by it and its wealthy supporters. What's more, the U.S. Department of Education apparently has taken a do-nothing position on issues relating to college sports.<sup>5</sup>

**Re: Giving Up Their Sports Businesses** – It is difficult to imagine a circumstance where the NCAA cartel members would abandon ownership their college sports business franchises. However, the persistent efforts of Sonny Vaccaro to expose the cartel's exploitation of the athletic prowess and likeness of athletes as well as its obstruction of talented athlete's right-to-work has, no doubt, caused a bit of unrest in Indianapolis. For example, former U.C.L.A. basketball star Ed O'Bannon's legal suit against the NCAA, the Collegiate Licensing Company, member colleges and athletic conferences, could very well precipitate a disruptive scenario in the form of an avalanche of similar suits with the potential to destabilize the cartel's financial structure. For more on this and other suits against the NCAA, see William Rhoden.<sup>6</sup>

**So, where do we stand?** It appears that: warped educational missions, academic corruption, exploited and poorly educated athletes, denied access and higher costs for academically qualified college candidates, and America's eroding economic competitiveness are prices our nation is willing to pay to ensure: job security for highly-paid college, athletic-conference, government, and media officials, tax-breaks for the NCAA cartel and their wealthy supporters, 24/7 entertainment for its college-sports-addicted public, and continuation of a beer-and-circus environment at its big-time colleges and universities.<sup>7</sup> Really?

This does not mean that reform-minded individuals and organizations should give up—far from it. It is all the more reason to keep the NCAA cartel's feet to the fire of the truth. To this end, The Drake Group, with the support of other reform-minded organizations and like-minded individuals from the academic community, will not only continue to update members of Congress and their staff members on issues related to the need for serious reform in college sports, but also, more importantly, support Senator Grassley's effort to affect a significant improvement in the transparency, accountability, and independent oversight of the operations of the NCAA and the athletic programs at its member institutions.

**In the light of global realities and the financial crisis**, the president and members of his administration, as well as members of the U.S. Congress, must understand that there are more important challenges in higher education than those related to bracketing the NCAA's "March Madness" basketball tournament and resolving the BCS-bowls vs. playoff-regime conflict to determine a national college football champion. They may finally come to realize that prioritizing investments in athletics over investments in academics at America's colleges and universities is not only a very bad idea, but also a big waste of taxpayer money.

So too in this light, the Knight Commission should not give up on college sports reform. It should recognize that it has been co-opted by the NCAA cartel and then begin to focus on academic corruption that enables the professionalization of big-time college sports. For example, at its October 26, meeting in Miami, it could endorse The Drake Group's appeal for government intervention in college sports. This intervention would mean the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the Commission's 2001 *Call to Action*.<sup>3</sup>

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## 9. On Reforming College Sports and Curbing Profligate Spending

*Clips Guest Commentary*

*Our guest author describes the rock and hard place that plagues college presidents in their oversight of college athletics. Few of them have the capacity, the will, or the appetite to lead a true reform movement in college sports.*

*By Frank G. Splitt, The Drake Group, 10-29-09*

**Background** – It is now almost six years since the publication of my first brief on college sports reform.<sup>1</sup> Reference to this brief will show inputs from the founding co-chairs of the Knight Commission, Dr. William C. Friday and the Rev. Theodore M. Hesburgh who concluded the Foreword by saying:

Like the Knight Commission Reports, this brief serves as a clarion call to university presidents, trustees, administrators and faculties. It should help to not only enhance their collective awareness, but stimulate debate, and prompt a more determined search for workable solutions and collaborative action as well. It is my fervent hope that readers will go further and ultimately become involved with facets of the reform movement that lie within their respective spheres of influence. As we stated in the 2001 Knight Commission Report: "Change will come, sanity will be restored, only when the higher education community comes together to meet collectively the challenges its members face."

Bill Friday contributed this commentary:

Every thoughtful sports fan knows that intercollegiate sports are in serious difficulty. The Knight Commission has led the effort to bring about major change and fundamental change has occurred. Much remains to be done and Frank Splitt's Brief signals the role faculties must play. The challenge is great; I believe the faculties will respond.

The challenges to meaningful reform have indeed been great. The clarion calls to university presidents, trustees, administrators and faculties have fallen on mostly deaf ears. Faculties responded as best they could but the opposing constituencies are truly powerful; and the perceived monetary and psychic rewards for maintaining the status quo are considered too great to be ignored by their administrations.

Adding to the difficulty of achieving reform has been the fact that the so-called 'watch-dog' Knight Commission strayed far off the course set by its founding co-chairs—serving as an apparent surrogate for the NCAA ever since the end of the Hesburgh-Friday tenure.

**The Knight Commission's October 26, 2009 Meeting** – The meeting was keyed to the release of the Commission's report on its survey of presidents from Football Bowl Subdivision (FBS) institutions—previously known as Division IA schools—that found skyrocketing football and basketball coaches' salaries "the greatest impediment" to the "stability" of college athletics as we know it.<sup>2</sup> In her commentary on the meeting, *The Chronicle of Higher Education's* Libby Sander wrote:<sup>3</sup>

A majority of college presidents at the nation's largest athletics programs feel powerless to contain the escalating costs associated with big-time college sports, and are hard-pressed to identify an entity that can. Independent sports columnist, Bob Gilbert said:<sup>4</sup>

Most presidents of universities with major sports programs confessed cowardice and fear of trustees and boosters when asked why they don't stop uncontrolled spending for athletics.

The Knight Commission on College Athletics, in a report based on interviews with 95 of the 120 presidents of Division I-A universities, said the spiraling cost of their sports programs is unsustainable and threatens the future of academics in America.

"We've reached an indefensible, unsustainable situation. Universities are being forced to eliminate (academic) programs, reduce hiring (and) increase class size," said the commission co-chairman William Kirwan, chancellor of the University of Maryland.

What's really news here is the Commission's clear recognition of what has been well known to reform-minded individuals and organizations for several years—school presidents are in no position to participate in meaningful college sports reform efforts, let alone lead such efforts. As Dr. Jim Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, has said:<sup>5</sup>

Both my book and the 2001 Knight Commission report urgently portrayed the threat to American higher education posed by the ever-increasing commercialization and corruption of big-time college sports, neither proposed an effective method to deal with the problem. Put simply, in both cases we bet on the wrong horse. We proposed that the university presidents take the lead in the reform of college sports, whether through academic organizations such as the AAU and ACE (my proposal) or the NCAA (the Knight Commission). And nothing has happened.

Perhaps this is not so surprising. After all, university presidents are usually trapped between a rock and a hard place: between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously. It should be clear that few contemporary university presidents have the capacity, the will, or the appetite to lead a true reform movement in college sports.

Nevertheless, presidents were positioned on the NCAA's Executive Board and held leadership positions on the Knight Commission. Reform-minded organizations—often labeled as critics—were not really welcomed at the table.

Unfortunately, defenders of the status quo have, for many years, viewed the issues surrounding the rampant commercialization, professionalization, and profligate spending of big-time collegiate athletics much too narrowly to see the perils ahead—including the erosion of the long-term viability of America's higher education enterprise as well as its position in the 21st-century's global economy.<sup>6</sup>

**Advocating for Federal Intervention** – Briefly stated, the genesis of The Drake Group's advocacy for government intervention in college sports is as follows. Three years after the publication of the Knight Commission's 2001 report,<sup>7</sup> it became evident that the Commission was not following up on the reform recommendations set forth in this thoughtfully prepared report—a great disappointment to reform-minded faculty to say the least. Further disappointment came when the Commission expressed no interest whatsoever in the Group's reform-oriented essays.<sup>1, 7</sup>

Given these disappointments and experience that indicated government intervention was likely the only way to transcend the vested self-interests of NCAA and school officials, The Drake Group launched its congressional initiative in the fall of 2004. The aim was the restoration of academic primacy at our nation's institutions of higher learning.

Key documents—references 1, 7, and 8—were used to provide background for members of Congress and their staffers at the Senate Finance Committee as well as at the House Committee on Ways and Means. Subsequent essays<sup>9, 10</sup> have continued to sustain this initiative.

Indications are that the situation is now such that only the government can protect America from the higher education establishment's greed, mismanagement, and lack of foresight re: operating \$multi-million sports entertainment businesses. Why?—because responsible individuals and organizations continue to be involved in self-defeating behavior centered on protecting their own vested interests. Besides, the federal government is the only entity that has the power to curb the escalating costs associated with big-time college sports.

As evidenced by numerous essays,<sup>11</sup> and our work with the House Ways & Means Committee as well as with the Senate Finance Committee, we of The Drake Group have been advocating government intervention for the past five years—lately in open letters to President Obama,<sup>12</sup> and most recently in several letters sent to the president and CEO of the Knight Foundation prior to the October 26, Commission meeting. Here is an excerpt from one of the latter letters:

Yes, of course, the government should not interfere if non-government organizations such as the Commission are performing well and getting meaningful results when addressing serious issues. However, the government not only may intervene but must intervene in the national interest if they are not.

In this case, intervention would mean the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the referenced 2001 Commission report.

The Drake Group is asking you as the president and CEO of the Knight Foundation to urge the Foundation Trustees and its Commission not to give up on college sports reform. The Commission's endorsement of The Drake Group's appeal for government intervention would be a meaningful step on the path to this reform.

**Future Outlook** – It was refreshing to see that a number of Commission members now grasp the enormity of the negative impact that professionalized college sports can have on higher education. Hopefully, the above and other recent messages<sup>13</sup> from The Drake Group urging the president and CEO of the Knight Foundation, not to give up on college sports reform may influence the Foundation to:

- o Take a hard look at its Commission on Intercollegiate Athletics that gives the distinct impression that rather than working for meaningful athletic reform, it is allowing itself to be used to further the NCAA's own vested, money-making, commercial interests via exploitive commercialization of college sports.
- o Get the Commission back on track by requiring it to act in a way that will result in affecting positive change as it pertains to placing academic interests ahead of athletic interests.

The Drake Group takes seriously the threat posed to higher education in America by the uncontrolled professionalization, commercialization, and profligate spending of college sports. Government intervention can get academic values and priorities set above those of intercollegiate athletics. Failure to do so may not lead to the fall of America, but, over time, life for its citizens would surely be changed irrevocably and certainly not for the better as the nation will have a superbly entertained workforce that isn't able to compete in the 21<sup>st</sup>-century's global marketplace.

To the best of my knowledge, the Commission did not provide the requested endorsement of The Drake Group's appeal for government intervention at their October 26, meeting. Only time will tell the future direction of the Knight Commission and professional college sports, as well as the ultimate fate of higher education in America.

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## 10. Faculty Action at UC-Berkeley Warrants Emulation

*Clips Guest Commentary*

*Members of the UC-Berkeley Faculty Senate pave a path for other Faculty Senates to follow.*

*By Frank G. Splitt, The Drake Group, 11-03-09*

Kudos to Doug Lederman for his informative story calling attention to the planned action of members of the UC-Berkeley Faculty Senate re: their proposed resolution on intercollegiate athletics.<sup>1,2</sup> Reference to Lederman's piece will show that it prompted a number of wide-ranging comments. As I stated in my own comment:

"Members of the UC-Berkeley Faculty Senate did an excellent job in formulating their "Resolution on Intercollegiate Athletics at UC Berkeley." These members are proving to be all too rare exceptions to what I have perceived to be a general rule in college sports reform: 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.

My letter to the editor (appended<sup>3</sup>) made the above point and several others, apparently only too well. In a blatant act of retaliation, my honorary position as a McCormick Faculty Fellow was declared invalid a few days after its publication in the October 5, 2005, issue of *The Wall Street Journal*.

Fear of career-impacting retaliation has likely been a major deterrent to faculty-driven reform. Retaliation could come not only from school officials, alumni, athletics-friendly faculty and students, but most assuredly via the influence of the biggest men and women on campus—wealthy, sports-promoting, members of the school's governing board.

To be sure, college sports reform is not a popular subject with school and government officials, as well as the media, or, for that matter, with the American public that has an apparently insatiable appetite for 24/7 sports entertainment.

Reform will take a concerted effort and strength in numbers. As Alice Agogino, one the authors of the UC Berkeley faculty resolution that will be brought to a vote on November 5, has said: "We have to stop the Intercollegiate Athletics arms race and we can only do this together." To this end, the national steering committee for the Coalition on Intercollegiate Athletics (COIA) can ask its members to consider using the UC-Berkeley Resolution as a template for a similar resolution by their faculty senates and report their progress at COIA 's national meeting this coming January."

The thought behind this comment was that this is an opportune time to not only take advantage of the work done by the UC-Berkeley faculty, but also to exploit the fact that many of America's colleges and universities are now beginning to recognize that their presidents are apparently powerless to curtail out-of-control spending by their athletic departments.<sup>4,5</sup>

The faculty senates should feel free to tailor the UC-Berkeley resolution to fit the circumstances at their schools. In a personal communication, COIA Co-chair Nathan Tublitz suggested that consideration should be given to incorporating the following wording from COIA's 2007 white paper.<sup>6</sup>

1) The Athletic Department's budgets, revenues and expenditures should be transparent and aligned with the mission, goals and values of the institution. The University President should take the lead to ensure that fiscal reports, including dash board indicators as listed in the 2006 NCAA Presidential Task Force report, are issued annually and made available to the campus faculty governance body. The President should work closely with faculty leaders, existing faculty committees, and athletic department personnel to achieve these goals (Proposal 4.1)



2) The overall annual growth rate in the Athletic Department's operating expenditures should be no greater than the overall annual growth rate in the university's operating expenditures. (Proposal 4.2)

3) The athletic department budget should be integrated into the university general budget process where feasible. The proposed athletic department budget should be evaluated by the same process as the budget for academic units. (Proposal 4.3)

There have been expressed desires to support the emulation of this faculty-driven effort. Kadie Otto, the president of The Drake Group has said: "We, of The Drake Group, are certainly in agreement with the comments that have gone back and forth via recent emails. I really think that if we have a "united call to action" (both COIA and TDG) we will be more effective." Alice Agogino, Chair of the UC-Berkeley Academic Senate the year it agreed to join COIA added: "I think I can speak for members of the Resolution Committee to say that we would be delighted to help out in similar efforts on other campuses."

Working together can make college sports reform happen.

## AFTERWORD

"We won the vote yesterday!" said Alice Agogino, one of the authors of the UC-Berkeley faculty resolution on intercollegiate athletics. The resolution was brought to a vote by the university's Faculty Senate on Thursday, November 5, 2009. It carried 91-to-68.

Regardless of the positive outcome of the vote, the framers of the resolution are to be commended for doing a significant, breakthrough service by their example—not only making college and university faculty across America aware of the brutal truth about intercollegiate athletics, but also showing how something can be done about the issues that surround it.

*November 6, 2009*

## NOTES

1. Lederman, Doug, "Bad Time for Sports Overspending," *Inside Higher Ed*, <http://www.insidehighered.com/news/2009/10/30/ucsports>, October 30, 2009.

2. Agogino, Alice, et al, "Resolution on Intercollegiate Athletics at UC Berkeley," [http://academic-senate.berkeley.edu/meetings/documents/Intercollegiate\\_Athletics\\_resolution.pdf](http://academic-senate.berkeley.edu/meetings/documents/Intercollegiate_Athletics_resolution.pdf)

3. Splitt, Frank G., "Who Wants to Tackle Biggest Man on Campus?," *The Wall Street Journal*, October 5, 2005. The text of this letter follows:

The Sept. 24, (2005) 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

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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5. \_\_\_\_\_, "Don't Give Up on College Sports Reform," [http://www.thedrakegroup.org/Splitt\\_Dont\\_Give\\_Up.pdf](http://www.thedrakegroup.org/Splitt_Dont_Give_Up.pdf) , September 23, 2009.

6. Coalition on Intercollegiate Athletics, "Framing the Future: Reforming Intercollegiate Athletics," <http://coia.comm.psu.edu/FTF/FTFtext&appendix.htm>, June 15, 2007.

***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 .... The welcome changes in oversight have not, however, reformed a bankrupt system; they have merely shortened several presidential tenures. – Clara Lovett, 2003***

## THE AUTHOR

**Frank G. Splitt**, is a member of The Drake Group, a former McCormick Faculty Fellow at Northwestern University, and a vice president emeritus of NTI (the U.S. portion of the former Nortel Networks Corporation).

He was the recipient of the *2006 Robert Maynard Hutchins Award* for his courageous defense of academic integrity in collegiate athletics and was the author of “Reclaiming Academic Primacy in Higher Education,” a brief with a Foreword by Fr. Theodore Hesburgh, C.S.C., President Emeritus of Notre Dame University and a founding Co-Chairman of the Knight Commission on Intercollegiate Athletics.



**Fr. Hesburgh and the author**  
*Photo by Melanie Chapleau, University of Notre Dame, Dec. 2, 2003*

Dr. Splitt also authored “The Faculty-Driven Movement to Reform Big-Time College Sports,”—the sequel to the “Reclaiming” brief—with a Foreword by Dr. James Duderstadt, President Emeritus of the University of Michigan, and an Afterword by Dr. Jon Ericson, former provost and Ellis & Nelle Levitt Professor Emeritus at Drake University. Both documents are accessible at <http://thedrakegroup.org/splittessays.html>.

## THE DRAKE GROUP

**The Drake Group Mission:** The mission of The Drake Group (TDG) is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. The Drake Group's national network of college faculty lobbies aggressively for proposals that ensure quality education for college athletes, supports faculty whose job security is threatened for defending academic standards, and disseminates information on current issues and controversies in sport and higher education. The Drake Group seeks to form coalitions with other groups that share its mission and goals.

**The Drake Group Vision:** The Drake Group vision is to create an atmosphere on college campuses that encourages personal and intellectual growth for all students, and demands excellence and professional integrity from faculty charged with teaching.

**Contact:** Please contact The Drake Group directly with any questions ([info@thedrakegroup.org](mailto:info@thedrakegroup.org)).



# **Sports in America: Facing Up To Global Realities**

*Three Related Commentaries*

*By Dr. Frank G. Splitt*

*The Drake Group*

*<http://thedrakegroup.org/>*

*December 30, 2009*

***Greed, fanatic sports fans, an apathetic public and inconsistent government policies allow the commercially driven college-sports enterprise to grow unchecked, all but guaranteeing distracted, booster-beholden university administrators and an expanding set of fun-loving consumers for their entertainment business ... a business that has hijacked the academic mission of many universities.***

***America has the most to lose as it confronts new global realities with its STEMS gap and its institutional priority of athletics over academics – all the while handicapped by the public's continued obsession with sports entertainment. America's present-day position does not present a pretty picture.***

## INTRODUCTION TO THE COMMENTARIES

Milton Friedman once said “the proper role of athletic activity at a university is to foster healthy minds and healthy bodies, not to produce spectacles.”<sup>1</sup> Nonetheless, the most important products from some of our nation's most prestigious colleges and universities appear to be entertainment venues for its sports-obsessed public and athletes that will graduate to the National Football League and National Basketball Association; this rather than prioritizing the transmission of understanding, ideals and values to students while adding to the body of intellectual knowledge and know-how.

*The Wall Street Journal* published three noteworthy stories on college sports that offer chilling evidence that America's colleges and universities are helping to lead the way as it slithers toward second-rate nationhood.<sup>2-4</sup> For all intents and purposes, government at all levels stands idle while many of its most prestigious schools prostitute themselves in a mostly futile quest for fame and fortune via their sports entertainment businesses.

The *Journal* stories provide additional insights into what's going on with sports in America, specifically with the big-time college sports entertainment industry. These insights are valuable because they indicate that this industry continues to distract the public, its elected officials, and others from serious issues confronting our nation. For example, consider the weak response of the co-chairs of the Knight Commission on Intercollegiate Athletics to the recent howl and cry for a college football playoff emanating from the media, fans, and politicians—including President Obama and, more recently, the House Energy and Commerce Committee.<sup>5</sup>

These insights are also valuable because they indicate that the college sports entertainment industry continues to operate as a very large, powerful, and politically connected enterprise that simply does as it pleases—seemingly not accountable to anyone, least of all the federal government. Briefly:

**Darren Everson** amplified current talk about a bigger *March Madness* event with his story;<sup>2</sup> and there is even talk of a 128-team tournament. Perhaps the promoters that benefit from the expanded commerce that provides many of them with a very fine living—making some very rich—would brand Friedman as a radical cynic.... a brand not unfamiliar to reform-minded school presidents and faculty.

**Hannah Karp** tells how wealthy alumni and other boosters exert undue influence by writing big checks to get what they want done at 'their' colleges and universities. Whoever thinks that presidents run their schools has another think coming.

**Mark Yost** claimed Nathan Tublitz, an Oregon biology professor and co-chair of the reform-minded Coalition on Intercollegiate Athletics (COIA), and other critics are mostly howling into the wind.<sup>4</sup> He quoted Prof. Tublitz as saying: "The mission of the university is to educate students and perform cutting-edge research, to be spending so much money on an auxiliary enterprise is not only scandalous, it's criminal." As will be seen, things are worse yet.

It seems as if there is no limit to the greed and to the number of schools that are willing to give their all to feed at a tax-free money trough as well as to number of fans that exhibit extreme irrationality concerning their team's games—especially bowl games.

College sports entertainment rules, no matter how negative its impact on America's education system and how damaging its effect on our nation's future position on the world stage.

The culprits are many and varied, beginning with a sports obsessed public that seems to value sports over education as it craves 24/7 entertainment—a pathological cultural problem. Then there are the promoters of ever expanding sports venues such as the expansion of NCAA's *March Madness* basketball tournament to 96 teams described by Everson—as well as the Big Ten Conference to 12 schools<sup>6</sup>—and the wealthy boosters described by Karp who actually direct the show at many schools.

The loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs has not gone unnoticed by America's Asian and Middle-eastern competitors. They have prioritized the education of their citizenry above all else as they build world-class universities with laser-like focus on academics, especially science, technology, engineering, and mathematics, rather than building facilities for the entertainment of spectators or the employment of 'student-athletes.'

The following commentaries tell a good part of the story.

## NOTES

1. Taken from Friedman's 1998 endorsement of the *Rutgers 1000* campaign where he said: "Universities exist to transmit understanding and ideals and values to students, and to add to the body of intellectual knowledge, not to provide entertainment for spectators or employment for athletes. The proper role of athletic activity at a university is to foster healthy minds and healthy bodies, not to produce spectacles."
2. Everson, Darren, "Why March Madness Needs 96 Teams," subtitled: "Talk of Adding More Schools to the NCAA Men's Basketball Tournament Has the Support of Many," *The Wall Street Journal*, page D10, Dec. 15, 2009, <http://online.wsj.com/article/SB10001424052748704869304574596193031015448>
3. Karp, Hannah, "Texas Football Boosters Think Big" subtitled: "Billionaire Supporters Help the Longhorns' Program Set a Revenue Record," *The Wall Street Journal*, page D7, Dec. 17, 2009, <http://online.wsj.com/article/SB10001424052748704541004574600051780005902.html>
4. Yost, Mark, "Building Teams, Brick by Brick," subtitled: "Who pays for the expensive facilities arms race?" *The Wall Street Journal*, Leisure & Arts, page W14, Dec. 19-20, 2009, <http://online.wsj.com/article/SB10001424052748704541004574600002554600262.html>
5. Kirwan, William E. and Turner, R. Gerald, "College Sports in Financial Crisis, Playoff Not the Answer," *The Washington Post*, December 19, 2009, accessible at the Knight Commission's Website, <http://www.knightcommissio.org>.

The authors are correct in saying that a playoff is not the answer to the financial crisis in college sports, but neither is their proposed solution that is narrowly focused on the school's consideration of a new business model for their athletic programs. The Commission's plan to collaborate with the leaders in higher education and athletic directors to develop a reform agenda is misguided in the sense that these leaders and athletic directors have a strong vested interest in maintaining the highly commercialized and professionalized programs they developed over the years.

Also, the authors avoid the real issues confronting colleges and universities supporting big-time football and men's basketball programs. The professionalization of these programs—wrought by the NCAA and its minions—is enabled by academic corruption. Furthermore, wealthy, highly influential sports boosters—not school presidents—occupy the power centers at these schools and so control America's major college sports programs. These boosters don't seem to realize that the schools are supposed to be in the education business, not the entertainment business. A new business model reflecting this understanding along with a clear prioritization of academics over athletics and full transparency regarding all aspects of athletic operations—including related academics and financials—would be a big step in the right direction.

6. *Associated Press*, "Big Ten to revisit adding 12<sup>th</sup> school," *The Daily Herald*, Dec. 16, 2009.



## THE COMMENTARIES

1. *Sports in America 2005: Facing Up to Global Realities*, 2005, page 4.
2. *Are Big-Time College Sports Good for America?*, 2006, page 8.
3. *Sports in America 2007: Facing Up to Global Realities*, 2007, page 16.

# Sports in America 2005: Facing Up to Global Realities

CollegeAthleticsClips.Com Guest Commentary

by Frank G. Splitt

*From the Clips Editor: Once again Frank Splitt – thinker, writer, engineer, educator, advocate – provides a thought-provoking perspective on American sports. If you never heard of a “STEM” before, read on.*

Posted 10 November 05

*He who knows not that he knows not is a fool; shun him.  
He who knows not and knows that he knows not is a child; teach him.  
He who knows but knows not that he knows is asleep; wake him.  
He who knows and knows that he knows is wise; follow him.  
Ancient Arab Proverb*

**AMERICA'S OBSESSION WITH SPORTS** James Michener provided deep insights into our national obsession with college sports in his 1976 best seller, *Sports in America*. Among other things, Michener said sports are a major factor in American life and in the life of other countries as well – nothing to worry about at the time.

Today, however, America has the most to lose as it confronts new global realities with its continued obsession with sports. Here's why:

You can ask Americans about big-time college sports and they will be willing to tell you three things: first, it's great entertainment; second, they know most schools cheat; and third, they don't want to be bothered with the details of related issues and reform efforts.

For many Americans the most important page in their newspaper is the one carrying the betting line; and, for many wealthy alumni, the target for major contributions is not for academics, but rather for their alma mater's athletics fund.

**CHINA'S OBSESSION WITH STEMs** According to a Sept. 8, 2005, page-one story, "Inside Pentagon, A Scholar Shapes Views of China," by Neil King in *The Wall Street Journal*, Beijing sees the U.S. as a military foe.

But why fight the best customer for your textile and manufactured products? And, why would China ever want to fight a military war against the United States rather than waging a less painful and more profitable economic war against an adversary that is not only losing its edge in R&D, but also is preoccupied with fun and games?

In China, which educates approximately one-half of the world's engineers, engineering education is valued as a preparation for contributions in government, policy, innovation, intellectual property, broad engineering disciplines, and manufacturing. The study of science, technology, engineering, and mathematics (STEMs) is considered to be a patriotic duty — providing a robust pipeline of human resources for R&D.

This will be China's real army — fighting to dominate the technology-driven, global economy that is both expanding and becoming evermore complex.

**AMERICA VS. CHINA** It seems that only in seemingly complacent America that is governed mostly by lawyers, can we find a general public that views sports as super cool while STEMs are considered to be nerdy and where athletes have a definite edge when it comes to college admission.

Meanwhile in China, its president and every member of its nine-man governing central committee are engineers by profession, as are scores of other leaders – ranging from ministers and governors to CEOs and entrepreneurs.

Also, enormous investments are being made to upgrade its university system, STEM students have a definite edge, and English is becoming big business as the country's growing middle class pays to learn the language of global commerce.

**DESTROYING A PRECIOUS RESOURCE** America's love affair with big-time college-sports entertainment in combination with excessive cynicism, apathy (if not purposeful ignorance), and gambling, has been a recipe for growing commercialization at America's institutions of higher learning.

Excessive commercialization has brought academic corruption, financial shenanigans, increasing expenditures on athletics, and money-focused presidents who view sports programs as an economic necessity and undergraduate education as an expensive nuisance.

Worse yet, greed, fanatic sports fans, an apathetic public and inconsistent government policies allow the commercially driven college-sports enterprise to grow unchecked, all but guaranteeing distracted, booster-beholden university administrators and an expanding set of fun-loving consumers for their entertainment business ... a business that has hijacked the academic mission of many universities.

If all of this is coupled with the rising costs of residential higher education (without corresponding improvements in academics) and improved technology-driven competitive education delivery systems, we are led to the conclusion that America's higher education enterprise is rapidly becoming untenable – unable to survive, just as predicted by Peter Drucker back in 1997.

It is ironic that the government's subsidy of college sports via favorable tax policies is helping to fuel the destruction of what has been one of our nation's most precious resources.

**AMERICA NEEDS TO FACE UP TO GLOBAL REALITIES** The technology-driven, global economy is both expanding and becoming evermore complex. There will be no place in the game for societies that remain clueless — asleep at the switch, not knowing what is at stake, or, preoccupied with other things.

Michener put the reason for the lack of public reaction this way (with reference to injuries and fatalities in high school and college football): "... 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.”

Little did Michener know that an obsession with sports in America would help lubricate its slip from its position of global economic and business leadership. But sports aren't the only lubricant.

The drive for incremental (quarter-to-quarter) profit improvements “demanded” by Wall Street has resulted in all too many short-term-thinking CEOs that strive to keep their jobs by pleasing the ‘street.’ Most of these CEOs curtail investment in innovation-breeding incubators and long-term projects – even abandoning R&D and treating engineers as either disposable or outsourceable commodities. Companies require instant gratification and returns on their new engineering hires – on-the-job training, a science and math brain drain, and the future, who really cares?

If the US businesses continue in this mode, R&D will be conducted in labs far from America. Microsoft plans to nearly double its workforce in India over the next four years with Bill Gates, the company's chairman saying: “The growth in employment for Microsoft will be more in India than the United States.”

Such actions ripple down — reducing the demand for engineers and scientists and STEM students. It is surprising how quickly students perceive change and alter their choice of a major to follow the money. There has been a large fall off of Computer Science students and Electrical and Computer Engineering is also declining. Look for more of America's young folks to become lawyers and financial persons unless we can develop turnaround strategies and tactics. Unfortunately, it is difficult to abandon tactics that are adding to current profits.

All but forgotten are the sobering words of the January 2001, Hart-Rudman Commission Report: “ ... the inadequacies of our systems of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine.” America must come to better understand its critical shortcomings and shortsightedness.

**WHAT TO DO?** So, what do we, as a nation, need to be thinking about if we are going to continue as a dominant player on the world stage in the 21st century? Might I first suggest that we need to get priorities right at our nation's universities. Members of top-ranked BCS football teams and the NCAA's Final-Four basketball teams will not likely be eligible to play in this global game.

America's higher education enterprise should be focused on academics not athletics. This means emphasis on learning and research not on commercialized sports entertainment and health-spa-like facilities. We need to think about our universities and STEMs literacy in a global context. These will be the arsenals and ‘tools’ of modern-day economic warfare.

Pentagon strategists need to balance the input from high-cost ‘China scholars’ with a relatively low-cost reading of two best-selling books, Thomas Friedman's, *The World Is Flat: A Brief History of the Twenty-First Century*, and Jared Diamond's, *Collapse: How Societies Choose to Fail or Succeed*. Perhaps they will come to understand that we have much to learn from past societies that destroyed themselves by destroying their resource base.

There should not only be concern at the Pentagon, but also at the highest levels of our government — concern that things are moving in a direction where America could very well be a net loser in a modern-day economic war.

**THE GOOD NEWS** A democracy has as one of its fundamental strengths the ability to bring great ideas, innovation and individual initiative, into what could otherwise be a failing system. But democracy is only as strong as the people who are willing to keep it vital and ever evolving. We all need to wake up and rise to the challenge.

**AUTHOR'S NOTE** This commentary is an outgrowth of a 'brief' prepared for the April 2005, workshop, "What Does it Mean to be Educated in the 21st Century?," sponsored by the National Science Foundation (NSF) and hosted by Chancellor Nancy Cantor at Syracuse University. It also reflects my experience working with the International Engineering Consortium and the Electrical and Computer Engineering Department Heads Association on the November 2005, NSF sponsored workshop, "Globalization Effects on ECE Education for the Engineering Profession," hosted by President William Wulf at the National Academy of Engineering. Portions of the commentary have been posted on *InsideHigherEd.com* and published in THE INTERFACE, the joint newsletter of the IEEE Education Society and the ASEE Electrical and Computer Engineering Division.

***Excessive commercialization has brought academic corruption, financial shenanigans, increasing expenditures on athletics, and money-focused presidents who view sports programs as an economic necessity and undergraduate education as an expensive nuisance.***

# Are Big-Time College Sports Good for America?

By Frank G. Splitt

*To be successful, one must cheat. Everyone is cheating, and I refuse to cheat.* – Robert Maynard Hutchins, 1939

*It is worth a take-home exam to discover how the brains behind higher education have lost their minds in the pursuit of football superiority.* – Selena Roberts, 2005

**INTRODUCTION** – Like my colleagues in The Drake Group (TDG), I love sports. However, all of us are concerned about the exploitation of big-time (NCAA Div I-A) college sports and athletes by the overly commercialized college-sports entertainment industry to further its financial interests.

Also, we are concerned about the negative impact college sports have on America's system of higher education and on the collective physical and intellectual well being of Americans. Furthermore, as discussed in "Sports in America 2005: Facing Up to Global Realities" [1], we are concerned about the negative impact college sports have on America's prospects as a leader in the 21<sup>st</sup> century's global economy.

The negative impact of college sports on higher education is not a new story. In 1929, the *Chicago Tribune* featured a headline column on the Carnegie Report's indictment of college sports [2]. This report focused on the need for reform based on the negative influence of big-time college sports on higher education – stating that: "(College football) is not a student's game as it once was. It is a highly organized commercial enterprise. The athletes who take part in it have come up through years of training; they are commanded by professional coaches; little if any initiative of ordinary play is left to the player. The great matches are highly profitable enterprises. Sometimes the profits go to finance college sports, sometimes to pay the cost of the sports amphitheater, in some cases the college authorities take a slice for college buildings."

**GALLICO ON SPORTS** – Some seven years after publication of the *Chicago Tribune* story, Paul Gallico gave up a successful sports-writing career with the *New York Daily News* to devote himself to full-time writing. His first book was *Farewell to Sport*, published in 1938 [3]. As the title suggests, it was his farewell to sports writing, but it was much more than a farewell. It illuminated the increasing professionalism in sports during the 1930s, and bemoaned the loss of sport in its original sense. The following 68-year-old Gallico quotes provide additional context for this essay:

*"College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy. ... There are occasionally abortive attempts to turn football into an honest woman, but, to date, the fine old game that interests and entertains literally millions of people has managed to withstand these insidious attacks. ... It is a curious thing that the college to which a boy goes, not only for an education, but for the set of morals, ethics, and ideals with which to carry on in later life, is the first place he learns beyond any question of doubt that you can get away with murder if you don't get caught at it or if you know the right people when you do get nabbed. His university is playing a dirty, lying game and it doesn't take him long to find out. ... If there is anything good about college football it is the fact that it seems to bring entertainment, distraction, and pleasure to many millions of people. But the price, the sacrifice to decency, I maintain is too high."*

Robert Maynard Hutchins, President of the University of Chicago and a contemporary of Gallico, deplored undue emphasis on nonacademic pursuits. Guided by his personal beliefs and, perhaps, triggered by Gallico's remarks, he abolished football at the University of Chicago in 1939. When asked why he did this he replied with the simple statement given in the header to this essay. As former Tufts University Provost Sol Gittleman opined "*A Robert Hutchins comes only once in a lifetime*" [4].

**GERDY ON SPORTS** – In his 2002 book, *SPORTS – The All-American Addiction* [5], John Gerdy argues that our society's huge investment in organized sports is unjustified, claiming that ardent boosters say that sports embody the "American Way" – developing winners by teaching lessons in sportsmanship, teamwork, and discipline.

I concur with Gerdy's claims that America's obsession with modern sports is eroding American life and undermining traditional American values essential to the well-being of the nation and its people – allowing Americans to escape problems and ignore issues as if they were drug addicts [1].

Gerdy asks tough questions. Have sports lost their relevance? Is it just mindless entertainment? Is our enormous investment in sports as educational tools appropriate for a nation that needs graduates to compete in the information-based, global economy of the twenty-first century? Do organized sports continue to promote positive ideals? Or, do sports, in the age of television, corporate skyboxes, and sneaker deals, represent something far different?

**MINOW ON TELEVISION** – Then Federal Communications Commission Chairman Newton Minow's, "Vast Wasteland," speech to the National Association of Broadcasters was still newsworthy in 2001[6]. Likely it would have been far beyond Minow's imagination to think his speech would ring truer in 2006 than it did in 1961. Television can rightfully claim credit for providing an ocean of money that has corrupted academic integrity and values. It can also be credited for the transformation of America from a nation of sports participants to a nation of sports spectators along the way – robbing sports of its most direct and vital benefit, that of improving the health of our nation's citizens [5, Chapter 6].

**THE NCAA AND BRAND ON REFORM** – To begin, college sports are big business [7, 8], and the NCAA is not in the business of reform. The NCAA is in the business of staying in business as the franchiser of professional-caliber, big-time college-sports programs for its member school franchisees. Together with the schools, the NCAA exploits college athletes while making huge amounts of tax-exempt money under the guise of an institution of higher education. In effect, the government subsidized NCAA manages minor league teams for the NFL and the NBA – supplying a stream of professional-level athletes for their respective drafts.

The NCAA's strategy to stay in business is to maintain the illusion that they are an institution of higher education, that college athletes are really students on a legitimate degree-seeking track, and that it is capable of instituting requisite reforms without government intervention and a consequent loss of its tax-exempt status.

Hiring Myles Brand was a key tactic – providing him with a total annual compensation in the order of \$1 million to allow him to live large along with the NCAA's top brass while he gives the NCAA an academic front. Brand was not empowered by the NCAA to initiate serious reform, i.e., to emulate Judge Kenesaw Mountain Landis, baseball's first commissioner who was able to take firm control of major league baseball when its integrity was in question. Simply stated, the NCAA would never allow Brand to accomplish serious reform.

Other NCAA anti-reform tactics are to co-opt external reform efforts by “working together,” to provide weak rules enforcement, and to shroud its nefarious conduct in a veil of secrecy – protected by the Buckley Amendment to the Family Educational Rights and Privacy Act – operating as the least transparent business in America.

**CONCERNS AND A CONCLUSION** – So what's to be concerned about in present-day college sports? A composite list of concerns is provided in the Appendix. These concerns come from Gerdy, Bruce Svare, President of the National Institute for Sports Reform, Jim Duderstadt, President Emeritus of the University of Michigan, and the author.

The length and gravity of the listed concerns do not portray a pretty picture. The list, coupled with arguments made by Gerdy [5] and Svare in the first chapter of his book, *Crisis on Our Playing Fields* [9], as well as by Duderstadt, in the foreword to the essay, "The Faculty-Driven Movement to reform college Sports" [10] and Splitt [1, 11], lead to an obvious conclusion: Big-time college sports, as they exist today, compromise the educational, economic, and physical, well-being of our nation and are no longer good for America. Simply put, they are an anachronism. Not only that, they have also contributed to an imminent crisis in America that goes well beyond its playing fields [1].

*Big-time college sports, as they exist today, compromise the educational, economic, and physical, well-being of our nation and are no longer good for America. Simply put, they are an anachronism*

**A BLEAK SITUATION** – The key facts are these: there is no one charged with anything resembling responsibility for controlling the wretched excesses of big-time college sports; the NCAA has become expert at resisting true reform and co-opting would-be, well-intentioned reform initiatives; few, if any, college presidents can buck the system today and expect to keep their jobs; faculty members, even though protected by tenure, have little chance of making any real impact internally; and sadly, high school sports are becoming just as corroded as they are at the college and professional levels [12]. Also, if a school with a big-time athletics program should decide to cut it back, it would be faced with the almost impossible job of replacing the revenues to service the large debt on its athletics facilities; not every school has billionaire boosters that can donate \$165 million to its athletics fund or provide major gifts for athletic facilities [13, 14].

This is a bleak situation indeed – prompting one of the reviewers of this essay to comment that it brought to mind the near-impossible predicaments the British created over time by importing Protestants to Northern Ireland in the 17th century and by carving up the Ottoman Empire after World War I to form, among other things, Iraq. Some even say this is a lost cause.

**WHAT CAN BE DONE?** – The obvious question is: What, if anything, can be done? Is it possible to restructure organized competitive sports to make them good for America? I believe that the answer is yes. However, as painful as it may be, it appears government intervention is now the only way to bring about requisite reform.

One way the government could intervene to clean up big-time college sports is to employ the quid pro quo (no reform-no tax exemption) strategy outlined in "What Congress Can Do About the Mess in College Sports" [15]. Implementation of this strategy would help bring about academic and financial disclosure and the restoration of academic and financial integrity in America's institutions of higher learning. Failure to implement and comply with congressionally-stipulated corrective measures over a reasonable amount of time would 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 the reform measures, or, retaliation against whistleblowers, would garner penalties of such severity as to make the risk of noncompliance not even worth thinking about. However, since schools would still be saddled with the burdens and temptations associated with the college-sports entertainment business, even more radical approaches may prove to be necessary in the light of new global realities.

These approaches would involve divestiture – the elimination of professional-level sports from America’s education system. This would not only put a long overdue end to the NCAA’s contrived façade of ‘amateurism’ but also release the stranglehold the college-sports entertainment business has on our institutions of higher learning. The approaches would involve the development of professional minor league football and basketball leagues modeled after the European and Australian club sports system as advocated by Svare [16] and Gerdy [5]. Alternatively, the government could consider the establishment of Age Group Professional Leagues along the lines proposed by Rick Telander [17].

**OUTLOOK** – It is to be expected that those who benefit from a continuation of the status quo will continue to resist reforms that pose a threat to their tax-exempt status – railing and retaliating against individuals and organizations that tell the brutal truth about big-time college sports.

Also, if and when, Congressional hearings are called to investigate this blight on America’s system of higher education, fierce opposition will be mounted. Resistance will no doubt take the form of a well-organized, well-funded, lobbying and public-relations campaign orchestrated by the NCAA – bringing to bear its financial power and its friends in the media as well as in federal and state governments. In other words, the NCAA would be in a fight for its life using all of its awesome financial and political resources to protect its money making machine.

There will certainly be screams to keep the government out of college sports with claims of grandstanding and posturing by members of Congress. – forgetting that it is the government that is subsidizing the growth of the big-time college-sports entertainment business in the first place.

Hopefully, enlightened legislators will see that America can no longer afford to have its educational system, the health of its citizens, and its place in the global economy, undermined by professional–level college sports programs; and, then go on to see the connection between college-sports reform and the National Academies’ recommendations set forth in their report, *Rising Above the Gathering Storm* [18]. Subsidizing institutions of higher education so they can serve as centers for public entertainment is not a smart thing to do in today’s world.

**CONCLUDING REMARKS** – Big-time college-sports entertainment is embedded in America’s culture. The NCAA, with its ability to control the money game and thwart reform, coupled with its ability to exploit America’s love affair with sports and its high tolerance for misbehavior by its heroes, has helped bring about a horrific mess in big-time, college sports ... a mess characterized by seemingly unrestrained growth in spending with a corresponding desperate need by ‘hooked’ schools for additional revenues.

The wealth and health of America and its citizens are at risk. Based upon the magnitude of the problems and the high stakes involved, it would seem obvious that government intervention is in our national interest. We can no longer afford the luxury of muddling along with a handicap – engaging in distracting, resource-draining activities that divert our attention from new global realities [1].

Likewise, reform cannot be deterred by naysayers who would either discount the threat or label reform efforts as an exercise in futility. To succumb to this negativism and do nothing would all but ensure the eventual decline of America's position on the world stage.

There appears to be no option but to respond with resolute intensity, resources, and vigor. Will it happen? Unfortunately, not immediately; perhaps it may never happen at all. There are no guarantees, but we must at least begin. So what is the Congress waiting for?

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## APPENDIX – CONCERNS RE: PRESENT-DAY, BIG TIME COLLEGE SPORTS

**Commercialism.** Professional-level, college-sports entertainment is big business with increasing commercialization that undermining the academic integrity and educational values at America's institutions of higher learning.

**Corruption.** Academic corruption is pervasive in our public schools and in institutions of higher learning that house big-time sports programs.

**Costs.** Costs are rising – reflecting an 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.

**Culture.** America has developed an athletic culture that is anti-intellectual and systematically creates "dumb jocks." Sports loving parents, many of whom are well intentioned but not sufficiently armed with important information, may not be aware of the threat posed to their children by America's runaway sports culture and its win-at-any-cost mentality.

**Drugs.** The utilization of supplements and performance enhancing drugs is pervasive and has been fueled by a culture of winning at any cost. Congressional focus on the use of drugs by professional, rather than the relatively larger and more vulnerable high school and college athletes, indicates an apparent lack of awareness of the problem.

**Faculty.** 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. Both faculty groups fear retaliation for speaking out against pro-sports school policy.

**Governance.** Existing sports governing bodies, youth and amateur organizations, and educational institutions have done a poor job of protecting the health and welfare of athletes who are increasingly abused and exploited by our present sports culture. See also *Faculty, Governing Boards, Knight Commission, NCAA, Presidents, and Oversight.*

**Governing Boards.** Members of university and college governing boards (trustees and regents) are often wealthy, influential boosters with predominant interest in athletics rather than academics.

**Health.** Sports injuries and other health related issues are increasing for almost all levels of athletics and seem to be tolerated by the public as a price that must be paid for their entertainment, consequently, not enough is being done to prevent such injuries. Also, a greater number of spectators are idly watching the few elite athletes compete which satisfies the needs of small groups of athletes, is the dominant theme in our sports culture while recreational and fitness-based sports, which satisfies the needs of the vast majority, have been de-emphasized – a significant long-term negative impact on public health is as certain as it is predictable.

**Knight Commission.** The Commission has abandoned its "watchdog" mission and is far removed from its origins as it now helps to perpetuate the status quo. 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.

**Media.** The media often seems reluctant to cover college-sports related issues that impact America and public policy – apparently deeming these issues too provocative to attract and maintain readers or offensive to advertisers and potential job-killers for their sportswriters. At times the media acts irresponsibly as well as unethically in the manner in which it overexposes, glamorizes and hypes the lives of young athletes and popularizes their misbehavior both on and off the field. The printing of point-spread information facilitates gambling and threatens to undermine the integrity of sports.

**NCAA.** The NCAA has become expert at resisting reform – undermining the Knight Commission, the Association of Governing Boards, and apparently the Coalition for Intercollegiate Athletics, while advocating for more commercialism in college sports, touting its unworkable reform initiative based on its Academic Progress Rate, and denouncing TDG and its serious reform proposals as radical Intercollegiate Athletics, while advocating for more commercialism in college sports, touting its unworkable reform initiative based on its Academic Progress Rate, and denouncing TDG and its serious reform proposals as radical..

**Oversight.** The NCAA's successful co-option of the Knight Commission means there is nobody responsible for the oversight of college sports. The NCAA cartel is in a position where it can literally do as it pleases.

**Policy.** The government continues to provide generous (and questionable) tax policies that fuel further commercialization of college sports, while both the government and higher education alike continue to treat intercollegiate athletics as a special case, shielding coaches from the personnel and conflict of interest policies governing other university staff, ignoring the all-too-frequent misbehavior of college athletes.

**Presidents.** Presidents cannot stand up to lead an effort to change the status quo in any meaningful way without risking termination driven by a storm of protest about economic impact and assorted tradition-based arguments by influential 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.

**Society.** Sports opportunities are shifting dramatically – producing severe inequities and lost opportunity coats in many segments of our society. Tremendous sums of money vanish to college athletic programs. In professional sports, the money goes to wealthy owners, millionaire players, and coaches. All the while, bridges, inner cities, and schools are crumbling.

**Sportsmanship.** Declining sportsmanship, elevated violence and the general misbehavior of athletes, coaches, parents, and fans not only pose a serious threat to potential victims, but also threaten to compromise the essence of athletic competition.

**Violence.** There is an apparent lack of concern and 'blame the victim' mentality with regard to violence by college athletes and the connection of violence to the use of performance enhancing drugs.

**Youth.** Sports have become very serious business and immense pressure is now placed upon the early specialization and professionalization of young athletes. There is intense promotion of athletic achievement for the reward of an athletic scholarship or professional contract. The NCAA recipe for 'success' has not gone unnoticed by America's high schools. High-school sports programs are doomed to follow colleges and universities down the slippery slope to where the athletic tail wags the academic dog.

**AUTHOR'S NOTES** – In large part, this essay is based on notes prepared for use on Bob Gilbert's January 7, 2006, WCBR-Knoxville radio program where I used the quotes from Paul Gallico's *Farewell to Sport* to set the context for my remarks. On a personal note, my thanks to Gilbert for having me as his guest and to John Gerdy, Bruce Svare, and John Prados for their thoughtful comments and suggestions. Also, Gallico's, *Lou Gehrig: Pride of the Yankees*, Grosset & Dunlap, New York, NY, 1942, was a gift from my favorite aunt in 1942. It made an indelible impression on this then 12-year old – casting Gehrig as my boyhood hero. A collage of Gehrig photos hangs above my computer desk – a gift from my daughter's pastor.

The title for this essay was 'inspired' by the January 3 2006, PBS Frontline program, "Is Wal-Mart Good for America?" The program probed Wal-Mart's tendency to rely on products manufactured in China – presenting two starkly contrasting images: one of empty storefronts in Circleville, Ohio; the other, of a sea of high rises in the South China boomtown of Shenzhen. It suggested that Wal-Mart is the connection between significant American job losses and soaring Chinese exports. For Wal-Mart, China has become the cheapest, most reliable production platform in the world, the source of up to \$25 billion in annual imports that help the company deliver low prices and enabling it to beat down competition with its opening "price-break" offerings. This message is closely related to that given in "Sports in America 2005: Facing Up to Global Realities."

*America's higher education enterprise should be focused on academics not athletics. This means emphasis on learning and research not on commercialized sports entertainment and health-spa-like facilities. We need to think about our universities and STEMs literacy in a global context.*

# Sports in America 2007: Facing Up to Global Realities

By Frank G. Splitt

**INTRODUCTION AND BACKGROUND** – America's apparent priority of athletics over academics, particularly STEMS (Science-Technology-Engineering-Mathematics), can have negative consequences in our changing world. [1] This essay continues discussions begun in previous essays. [2, 3] But first, here's some stage-setting background:

America leaves 2007 still facing a wide array of unsettled issues surrounding: unpopular, divisive, resource-draining wars in the Middle East, a global jihad with threats posed by transnational terror networks, homeland security, overuse of foreign oil, the impact of climate change, a healthcare system short on service but long on costs, illegal immigration, neglected repairs/upgrades for aging physical and transportation infrastructure, an overstressed, if not broken, education system warped by sports culture, predicted downstream Social Security funding deficits, inner cities ravaged by criminal drug empires, the aftermath of Hurricane Katrina, and America's growing debt, approximately half of which is held outside the United States.

Taken together, these issues represent enormous challenges of almost paralyzing complexity. The lack of resolution of these issues, along with its loss of prestige on the world stage, undermines America's position as a global military and economic superpower. Furthermore, oil has continued to climb toward \$100 a barrel, big financial companies are now taking multibillion-dollar write-offs linked to the credit-market turmoil, and the Federal Reserve is warning that the nation's economic growth is likely to slow. Making matters worse, loan defaults on adjustable-rate sub-prime mortgages, occasioned by an economic downturn, would aggravate an already bleak mortgage-industry situation, and conceivably provide the tipping point for sending the economy into a tailspin akin to the depression years of the 1930s.

**HIGHER EDUCATION AND BUSINESS INSTITUTIONS** – So what are the forces at work in America's higher education and business institutions? Putting the issue of college sports aside for the moment, it is to be noted that for many years an increasing number of America's front-line colleges and universities have been working to enhance Far and Middle Eastern higher education. Engineering education is no exception. It is difficult to see how, in the long run, America's own schools can provide a proportional advantage to its engineering graduates that offset substantial wage differentials and so arrest off-shoring of engineering functions. [4]

U.S. companies are working to survive in our changing world. Motorola provides an instructive example with its early November 2007, announcement of the opening of its new Beijing R&D complex housing 3,000 employees including 2,000 engineers. It is representative as well. Ten days after the Motorola announcement, AP reported that technology outsourcing is becoming big business in China's northern port city of Dalian. German software giant SAP AG now brings its toughest jobs to Dalian. Along with SAP, Hewlett-Packard Co., IBM Corp., Britain's BT Group PLC, Japan's Yokogawa Electric Corp. and some 230 other foreign companies have flocked to Dalian in the last decade.

The AP story went on to say "a critical mass of development is coming. Ground broke this year for both a \$2.5 billion Intel Corp. factory and a \$6.5 billion nuclear power plant for the city. Cranes line the busy waterfront as office and apartment towers rise at a furious pace." Not to worry! America is doing its own thing in the way of furious building.

**INVESTING IN ATHLETIC INFRASTRUCTURE** – One need only look at big-time (NCAA Div IA) college and university campuses where the building and expansion of football stadiums, basketball arenas, and other athletic facilities reflects the extant values and priorities at these institutions of higher education.

This building frenzy is not only symptomatic of the American public's sports culture, but also of the strong influence of wealthy and/or politically connected boosters, many of whom sit on big-time school governing boards. Stadium expansions across the U.S. – aided and abetted by state and federal policies – are contributing to the ongoing deterioration of America's education infrastructure while the college sports entertainment business grows unabated.

**PUBLIC APATHY** – In the meantime, it seems that the American public is still quite content with not really knowing what's going on so long as it is being entertained – not recognizing that STEMS literacy will be essential in meeting the unsettled issues and challenges we face as a society. Apparently the public does not care that, while we as a nation desperately need a more STEMS literate electorate and STEMS literate leadership, the most important products from many of its big-time colleges and universities are professional football and men's basketball players. These players represent the output of alternative educational systems engineered at Academic Support (Eligibility) Centers that are absolute marvels of ingenuity, innovation, deceit, and deception.

If the truth be told, the warping of educational missions and priorities at U.S. colleges and universities supporting Div IA men's football and basketball programs have made

America the laughingstock of our global competitors. These competitors are focused on building – ironically with help from U.S. educators – educational systems that produce graduates that will enable them to compete against the U.S. in our changing world, rather than in sky-boxed stadiums and well appointed basketball arenas.

For example, in China, which educates approximately one-half of the world's engineers, engineering education is valued as a preparation for contributions in government, policy, innovation, intellectual property, broad engineering disciplines, and manufacturing. STEMS study is considered to be a patriotic duty — providing a robust pipeline of human resources for R&D.

It is of interest to note that a 2006 National Science Foundation survey found that 25% of Americans did not know the earth goes around the sun. America's public apathy may very well reflect the fact that most Americans are scientifically illiterate.

**STEMS GAP** – Recently, the media reported a new study demonstrating that students in Asian countries, who are likely to be our chief economic competitors in the 21st century, significantly outperform all U.S. students – pointing to a potential 'STEMS gap' and a corresponding need to guide both the public and Congress to address the problems that have produced this gap as well as the serious consequences the gap may engender.

Lawrence Krauss, professor of physics and astronomy at Case Western Reserve University and chair of the Physics Section of the American Association for the Advancement of Science, describes the need for STEMS related education this way:

*America's current economic strength derives from the investments in fundamental research and technology made a generation ago. Future strength will depend upon research being done today. One might argue that many key discoveries occurred as a result of importing scientific talent. But as foreign educational systems and economies flourish, our ability to attract and keep new talent could easily erode. Even with a continued foreign influx of scientific talent, it would be foolish to expect that we can maintain our technological leadership without a solid domestic workforce as well. Almost all of the major challenges we will face as a nation in this new century, from the environment, national security and economic competitiveness to energy strategies, have a scientific or technological basis. [5]*

**NEED TO OVERCOME IMPEDIMENTS** –If America is to do well in the 21<sup>st</sup> Century's globalization game, then it needs to get its priorities right, especially at our universities and government institutions. However, according to Henry Kissinger, the entire government system "is now much more driven by short-term political calculations, the need to keep powerful and vocal constituencies happy, and an eye on the next election." [6] This presents difficult political circumstances that can impede progress on corrective-action initiatives, such as reclaiming academic primacy in higher education by requiring appropriate levels of transparency, accountability, and oversight of the NCAA and its member institutions.

On a more positive note, Krauss reports that a group of scientists, journalists and business people held a "science summit" this past summer to discuss ways to build a growing awareness of the importance of scientific issues in government – convening a working group to explore ways that the scientific and business communities might work together to ensure that science becomes an issue in the 2008 campaign. [7]

**CONCLUDING REMARKS** – Today, America has the most to lose as it confronts new global realities with its STEMS gap and its institutional priority of athletics over academics – all the while handicapped by the public's continued obsession with sports entertainment. America's present-day position does not present a pretty picture.

Perhaps the mass realization by America's citizenry, liberal and conservative alike, that, as a whole, it shares responsibility for the resolution of America's problems. This realization could be of inestimable value in drawing together America's presently fragmented-and-apart citizenry – after all, these citizens will all share in creating our common future.

If America keeps doing what it has always done, it's going to get what it always got and is still getting. Obviously, we need to do things differently. A good place to start would be with our national media. A transformation from a seeming obsession with what 'sells' -- sex, violence, scandals, and sports – to presentation of more detailed coverage of issues that threaten the future physical and economic well being of America would be a good first step. As for politics, the election of candidates that have a firm grasp of the issues and coherent plans for the future could very well be a consequence of media enhanced voter awareness and enlightenment.

December 7, 2007

## NOTES

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3. \_\_\_\_\_, "ARE BIG-TIME COLLEGE SPORTS GOOD FOR AMERICA?" [http://www.thedrakegroup.org/Splitt\\_Good\\_for\\_America.pdf](http://www.thedrakegroup.org/Splitt_Good_for_America.pdf)
4. In the face of rapid globalization, efforts to focus America's engineering schools on innovation and entrepreneurship, though a worthwhile goal, will likely provide a short-term fix at best. Information technology has already changed the way business is done worldwide and will keep on changing it -- smoothing out differentials along the way.
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***It is ironic that the government's subsidy of college sports via favorable tax policies is helping to fuel the destruction of what has been one of our nation's most precious resources.***

## THE AUTHOR

**Frank G. Splitt**, is a member of The Drake Group, a former McCormick Faculty Fellow at Northwestern University, and a vice president emeritus of NTI (the U.S. portion of the former Nortel Networks Corporation).

He was the recipient of the *2006 Robert Maynard Hutchins Award* for his courageous defense of academic integrity in collegiate athletics and was the author of “Reclaiming Academic Primacy in Higher Education,” a brief with a Foreword by the Rev. Theodore Hesburgh, C.S.C., President Emeritus of Notre Dame University and a founding Co-Chairman of the Knight Commission on Intercollegiate Athletics.

Dr. Splitt also authored “The Faculty-Driven Movement to Reform Big-Time College Sports,”—the sequel to the “Reclaiming” brief—with a Foreword by Dr. James Duderstadt, President Emeritus of the University of Michigan, and an Afterword by Dr. Jon Ericson, former provost and Ellis & Nelle Levitt Professor Emeritus at Drake University. Both documents are accessible at <http://thedrakegroup.org/splittessays.html>.

## THE DRAKE GROUP

**The Drake Group Mission:** The mission of The Drake Group (TDG) is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. The Drake Group's national network of college faculty lobbies aggressively for proposals that ensure quality education for college athletes, supports faculty whose job security is threatened for defending academic standards, and disseminates information on current issues and controversies in sport and higher education. The Drake Group seeks to form coalitions with other groups that share its mission and goals.

**The Drake Group Vision:** The Drake Group vision is to create an atmosphere on college campuses that encourages personal and intellectual growth for all students, and demands excellence and professional integrity from faculty charged with teaching.

**Contact:** Please contact The Drake Group directly with any questions ([info@thedrakegroup.org](mailto:info@thedrakegroup.org)).

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# **Commentaries and Remarks On College Sports Reform**

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**Reclaiming Academic Primacy and Integrity in Higher Education**

*Draws an analogy to the tireless efforts of conservationist  
John Muir as a lesson for the reform of college athletics.*

**The NCAA Cartel: Enveloped by a Perfect Storm?**

*Ongoing scandals, a class-action antitrust lawsuit, financial and other problems, as  
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**Factoring Academics into March Madness Tournament Eligibility**

*The story behind the headlines reveals the confusion caused among the  
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*2010 Robert Maynard Hutchins Award Luncheon Remarks*

*Prepared for Distribution and Presentation at the 2010 Scholarly Conference on College Sport  
Sponsored by the University of North Carolina at Chapel Hill's  
College Sport Research Institute*

**By Dr. Frank G. Splitt**

**The Drake Group**

**May 12, 2010**

## ***DEDICATION***

*This collection of commentaries and remarks is dedicated to the memory of General Andrew J. Goodpaster, 1915-2005, a soldier, engineer, and scholar who fought with uncommon valor in World War II, advised several presidents, and commanded the North Atlantic Treaty Organization.*

*He came out of retirement in 1977 to become superintendent of West Point as it was reeling from a cheating scandal that involved 151 cadets. In his four-year tenure at the academy, the general sought to substitute "positive leadership" for hazing and personal abuse, to bolster courses in humanities and public policy, as well as to ease the admission of women.*

*Subsequent to his government service, he served as a senior fellow at the Woodrow Wilson International Center for Scholars and at the Eisenhower Institute, which studies foreign and domestic policy issues.*

*General Goodpaster was a bright, thoughtful, humane, trustworthy, and exceedingly modest person of high integrity—an example of a truly enlightened military intellectual who used his considerable talents in the service of his country.*

*His life story now serves as an inspiration to others who are challenged with the task of resolving complex domestic and foreign policy issues.*



***General Andrew Jackson Goodpaster***

For more on General Goodpaster, go to [http://en.wikipedia.org/wiki/Andrew\\_Goodpaster](http://en.wikipedia.org/wiki/Andrew_Goodpaster)  
and <http://www.arlingtoncemetery.net/ajgoodpaster.htm>



# Reclaiming Academic Primacy and Integrity in Higher Education

## *College Athletics Clips Guest Commentary*

*In his signature style, our guest author draws an analogy to the tireless (and successful) efforts of conservationist John Muir as a lesson for reform of college athletics.*

*By Frank G. Splitt, The Drake Group, 2-9-10*

*Taking on the formidably resourced and politically connected NCAA cartel—with its ability to maintain secrecy to hide academic corruption and permit athletic priorities to trump academic priorities—represents a daunting challenge.*

**Like the Yosemite and Yellowstone national parks**, the athletics programs at America's institutions of higher learning can be considered to be precious resources. As we learned from their tireless advocate John Muir, the parks can enrich the life experience of their visitors. Similarly athletic programs can enrich the life experience of college students.

Unfortunately, both resources are vulnerable to relentless exploitation, over commercialization, and ruin if not operated and managed with transparency, accountability and oversight appropriate to the task.

As Muir found in the late 1800s and early 1900s, protecting the natural beauty of national parks—and for that matter the parks themselves—is a daunting task requiring the utmost in focus and perseverance to minimize debilitating exploitation by powerful commercial and political interests. During the course of his crusading efforts, he found it necessary to appeal to U.S. Presidents and the Congress to take action to help preserve and protect large natural areas.

So too it is with protecting athletic programs from exploitation by the commercial interests of their sponsoring colleges and universities via their membership in the NCAA cartel. The cartel does not play by its own rules—also doing its best to avoid meeting federal requirements and the application of federal law. Consequently, the cartel has an amazing ability to maintain secrecy to hide academic corruption—allowing athletic priorities to trump academic priorities.

Coping with the powerful forces and pressures stemming from the cartel's formidable resources—financial, legal, and political—not to mention its symbiotic relationship with the TV, cable, and print media, represents a truly daunting challenge.

Additional pressures coupled with real-world circumstances have made the protection task all the more difficult. For example, there are the pressures exerted by the school's governing boards, very wealthy boosters, athletic departments, and government officials who are all influenced by the strong pull of potential fame and fortune as well as the inexorable push of rabid fans and a sports-crazed public. The task is made even more difficult because of a lack of strong presidential leadership—the willful or forced abdication of the president's obligation to provide leadership in defense of academic integrity and priorities.

Over time these forces and pressures have combined to allow athletic programs to subordinate higher education's academic mission and morph into mass entertainment vehicles that tend to erode the very educational values and beneficial impacts that athletic programs ostensibly exist to promote.

Not only have the educational missions at many colleges and universities become warped and their financial burdens become weightier, but apparently the loss of academic primacy and integrity has become an acceptable cost of doing business in the college sports entertainment industry as well.

The reclaiming of academic primacy and integrity in higher education is in itself a daunting challenge. How daunting a challenge could this be? Many say the big money involved coupled with America's sports culture makes it an impossible task. Some reform-minded organizations have been persuaded to work with the cartel and so have become partially or totally co-opted.

Also consider the number of reform-minded college presidents who have experienced shortened tenures in office. An example of the incredible pressure that can be exerted on even a powerful president comes from the University of Miami where Donna Shalala allowed the admission of Willie Williams, a star football recruit, despite a lengthily arrest record and likely weak academic qualifications at a time (2004) when Shalala was totally focused on improving the school's academic image and squelching the perception that the Hurricanes were a team of "convicts."

Further consider the scarcity of faculty members who should be at the front lines fighting to reclaim academic primacy and integrity at their own schools. It appears that many faculty don't believe it's any of their business while others fear that working to reclaim academic primacy and integrity can not only be considered subversive, but also an invitation to intimidation and career-threatening retaliation by school administrations as well as being ostracized by fellow faculty and members of their communities. Untenured faculty members are too busy working to get tenure and usually are not in a position to challenge administrative policy on intercollegiate athletics.

Nonetheless, there is still a residual group of faculty who are addressing the challenge and persevering in the fight. They are members of The Drake Group (TDG)—a national network of volunteers consisting of college faculty, administrators, coaches and concerned citizens. Since its founding in 1999, TDG has fought to reclaim academic primacy in higher education—defending academic integrity in the face of the commercialized college sports entertainment industry.

Many of the issues related to this fight were discussed in two open letters sent to President Obama in 2009; see “The Drake Group's Open Letters to the President and His Administration” at <<http://thedrakegroup.org/Obama.pdf>> and <<http://thedrakegroup.org/Obama2.pdf>>. TDG is pursuing resolution of these issues with the U.S. Department of Education as well as with the U.S. Congress—dedicated to leading the fight to reclaim academic primacy and integrity in higher education. It is TDG's *raison d'etre* as it continues to stand as a reform-minded organization that is independent of the NCAA cartel.

To learn more about TDG, please go to <<http://tedrakegroup.org/>>. For other views see Mark Yost's *Varsity Green: A Behind the Scenes Look at Culture and Corruption in College Athletics* and Allen Sack's *Counterfeit Amateurs: An Athletes Journey Through the Sixties to the Age of Academic Capitalism*. Yost decries the hypocrisy and corruption that permeates big-time college sports and how sports have come to negatively impact America's youth while Sack tells how the NCAA abandoned its central principle of amateurism in its pursuit of big money in the form of highly commercialized and professionalized big-time college athletics.

## The NCAA Cartel: Enveloped by a Perfect Storm?

*Education Secretary Duncan's recent criticism, ongoing scandals, a class-action antitrust lawsuit, financial problems, book-length exposés, and global realities could be forming a perfect storm while sharpening the tipping point for real college sports reform.*

By Frank G. Splitt, February 22, 2010

*Intercollegiate athletics, as currently practiced by many universities, compromise admissions standards, weaken the curriculum, and threaten other essential academic values. Neither coaches nor athletic directors, nor presidents, nor trustees can bring about real reform without help. Faculty members have the most at stake in upholding academic values; they represent the best hope of achieving genuine progress in making the kinds of changes required. As a result, I warmly endorse the arguments contained in this brief for involving faculty in a campaign for integrity in college sports.*

—Derek C. Bok, the 300<sup>th</sup> Anniversary University Professor and former President, Harvard University

The above commentary on a 2003 brief<sup>1</sup> came with a thought-provoking question. The gist of Dr. Bok's question was: "Just how do you plan to go about the campaign for integrity in college sports? As best as I can recollect, I said I was going to follow a path similar to the one used for systemic engineering education reform.

It was shortly thereafter that Dr. Jon Ericson extended an invitation to join The Drake Group. It was my good fortune that I linked up with this reform-minded organization as well as with Dr. Jim Duderstadt—each contributed a commentary on the brief. Little did I know at the time how difficult it would be to push back on the hypocritical claims the NCAA cartel and its supporters have made about the amateur basis and academic integrity of intercollegiate athletics and their benefits to higher education. Nevertheless, it seems that a storm has been slowly brewing over the ensuing seven years. Here's the story:

**Education Secretary Arne Duncan** really caught the attention of NCAA officials with his remarks at the 2010 NCAA convention this past January.<sup>2</sup> The critical tone of these remarks helped rekindle The Drake Group effort to bring senior officials at the U.S. Department of Education to an even more full awareness of the brutal truth about big-time college sports.<sup>3</sup>

More specifically, the Secretary's remarks refocused the Drake's on the crucial role played by the Family Educational Rights and Privacy Act (FERPA) in shielding academic corruption in college athletics.<sup>4</sup> That said, the aim of this and the author's previous commentary<sup>5</sup> is to give the reader a good sense of the present state of affairs in college sports reform given recent events.

**To begin**, most Americans have been led to believe that sports programs are an extracurricular activity—an integral part of the fabric of the postsecondary education experience. They have also been led to believe that these programs play a significant role in America's higher education system with beneficial impacts—helping to knit together the disparate supporters of these enterprises while galvanizing the school and the surrounding community around the spirit that comes with a successful athletic program

The general public is apparently unaware of the fact that the impacts of these programs are not all beneficial as they are often mixed with strong debilitating negative components. For one, big-time college sports are no longer extracurricular activities but rather businesses that provide multi-billion-dollar mass entertainment.

**Over the years** the NCAA and its member schools made freshmen eligible to play, lowered admission standards, and replaced four-year athletic scholarships with one-year renewable scholarships. All of this was done to increase their talent pool and professionalize big-time football and men's basketball programs—transforming the conferences affiliated with these big-time programs into minor league businesses supporting the NFL and NBA.

The relentless pursuit of increased revenues in these businesses has undermined attempts to maintain academic standards and integrity—fostering a legacy of academic corruption and an athletics-over-academics culture in which athletes are both excessively entitled, exploited, and effectively denied the opportunity to receive a legitimate college education.<sup>6-8</sup>

The extensive media coverage of the Binghamton University scandal<sup>9</sup> has provided another window to information on the corruption in big-time college sports to go along with past scandals at the University of Minnesota, the University of Georgia, Louisiana State University, the University of Tennessee, Florida State University, Auburn University, the University of Michigan, the University of Memphis, the University of Southern California, and the University of Colorado. To be sure there have likely been many more, but these are the schools we know about mostly via courageous whistleblowers.

**Although not yet fully understood**, the downstream implications of the denial of the NCAA's motion for dismissal of the class-action antitrust lawsuit on behalf of former college men's basketball players could prove to be profound.<sup>10</sup> The lawsuit has the potential to open a floodgate to information that the NCAA and its member schools have been successfully hiding from the public, the Congress, and athletes via their misuse/abuse of FERPA's privacy provisions.

No doubt, a host of NCAA cartel lawyers will be called upon to impede the outflow of information during the discovery process. This would certainly include information related to the academic corruption that has enabled the cartel's student-athlete charade, the professionalization of its college sports businesses, and the continuation of the tax-exempt status of these businesses.

**Taken together**, Secretary Duncan's criticism, multiple scandals along with financial problems,<sup>11</sup> the class-action lawsuit and the referenced book-length exposés<sup>6-8</sup> have enveloped the NCAA cartel in what might be called a perfect storm that could sharpen the tipping point for substantial college sports reform. But rest assured substantial reform will not come about easily—if at all.

Why not? Because there seems to be no end to the public's and the media's love of professional games—no matter how corrupt their underpinnings—and then there are the all too many powerful 'see-no-evil-hear-no-evil' apologists who have vested interests in maintaining the status quo.

It has been said that no other American institution has experienced greater crises and scandals than big-time college sports, and yet it has not only survived all of them but thrived.<sup>12</sup>

**Only time will tell** if the government will continue to ignore global realities and stand idly by while letting big-time college sports programs continue to practice as they do today—compromising the educational, economic, and physical, well-being of America.<sup>13</sup>

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  11. Kirwan, William E. and Turner, R. Gerald, "College Sports in Financial Crisis, Playoff Not the Answer," *The Washington Post*, December 19, 2009, accessible at the Knight Commission's Website, <http://www.knightcommissio.org>. The authors are correct in saying that a playoff is not the answer to the financial crisis in college sports, but neither is their proposed solution that is narrowly focused on the school's consideration of a new business model for their athletic programs. The Commission's plan to collaborate with the leaders in higher education and athletic directors to develop a reform agenda is misguided in the sense that these leaders and athletic directors have a strong vested interest in maintaining the highly commercialized and professionalized programs they developed over the years.
- Also, the authors avoid the real issues confronting colleges and universities supporting big-time football and men's basketball programs. The professionalization of these programs—wrought by the NCAA and its minions—is enabled by academic corruption. Furthermore, wealthy, highly influential sports boosters—not school presidents—occupy the power centers at these schools and so control America's major college sports programs. These boosters don't seem to realize that the schools are supposed to be in the education business, not the entertainment business. A new business model reflecting this understanding along with a clear prioritization of academics over athletics and full transparency regarding all aspects of athletic operations—including related academics and financials—would be a big step in the right direction.
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# Factoring Academics into *March Madness* Tournament Eligibility

## *College Athletics Clips Guest Commentary*

*Our guest author delineates the confusion caused among the general public from the non-integrated alphabet soup of GSR, FGR and APR.*

*Frank G. Splitt, The Drake Group, 4-1-10*

*Education Secretary Duncan not only recognizes that corruption and cheating exist in collegiate athletics, but is also attempting to do something about it while millions of Americans remain fervently captivated by the exciting competition surrounding the NCAA's professionalized and highly commercialized March Madness basketball tournament. This essay tells the story behind the headlines.*

**INTRODUCTION** – Over the past six years, The Drake Group has maintained a dialogue with the U. S. Department of Education on widespread academic and other forms of corruption and cheating in collegiate athletics. Secretary Duncan is the first high-level official to grasp the enormity of the surrounding issues. He has responded with a well-timed second challenge to the NCAA saying he wants the NCAA to exclude teams from post-season play unless 40-percent of their players finish degrees.<sup>1,2</sup>

Based on extensive experience, government intervention appears to be the only mechanism that has a realistic chance of restoring academic primacy in higher education. Nonetheless, simply weighing graduation rates and/or academic progress rates (APRs) as part of tournament eligibility would shine a light on the NCAA cartel's operations and pressure the NCAA to not only comply with its basic purpose and its principle of amateurism,<sup>3</sup> but also comply with the tax-exempt requirement that its athletes be legitimate degree-seeking students that are maintained as an integral part of their school's student bodies—or else risk losing its tax exempt status.

**PROFESSIONALIZED PROGRAMS** – A close examination of the NCAA's rule changes over the past 50 years or so will show that these changes have not been to support or reinforce their stated purpose and principle of amateurism, but rather have been to increase their market size and revenues by professionalizing their big-time football and men's basketball programs at the expense of the education of participating athletes. Nowhere is this professionalization more evident than at the NCAA's moneymaking *March Madness* basketball tournament.

**ACADEMIC MEASURES** – Weighing graduation rates, and/or the NCAA's Academic Progress Rates (APRs) as part of *March Madness* tournament eligibility as Secretary Duncan suggests would be an even better idea if the reported rates were legitimate measures of the education the athletes are receiving; please see NOTE 4 and the APPENDIX. Without transparency, accountability, and independent oversight, there is no way of knowing what's going on re: the real—as opposed to the reported—academic life of college athletes.

Also, factoring academic measures into the tournament eligibility process without transparency, accountability, and independent oversight, would likely trigger even more cheating and academic corruption than exists today. Nonetheless, there are still two powerful arguments for proposing this factoring—first it would be a step in the right direction by stressing the importance of academics and second, it would tease out a litany of revenue-protecting reasons from the NCAA cartel as to why it's not a good idea. It has already begun as the NCAA says the 40-percent standard would have unfairly punished athletes for the record of their predecessors.<sup>5</sup>

**COMPARING APPLES & ORANGES** – Nowhere do the data sets used for calculating the Federal Graduation Rate (FGR) and the NCAA's Graduate Success Rate (GSR) give the reviewer any insights as to the quality of the education that merited an athlete's graduation. Also, the data sets don't give the reviewer insights as to the academic integrity of the institution, evidence of easy majors for athletes, athletics-beholden and/or intimidated faculty, clustering of athletes in customized courses and special study

programs, as well as other innovative cheating and scamming mechanisms used to maintain eligibility as well as rationalize the granting of diploma-mill-like degrees. Neither do the data sets give the reviewer insights as to the measure of school's:

1. Maintenance of intercollegiate athletics as an integral part of the educational program,
2. Maintenance of its athletes as integral parts of the student body, and
3. Protection of its athletes from exploitation by professional and commercial enterprises.

However, the data sets do give numbers that are readily accepted at face value since they are what the NCAA makes available. The numbers cannot be scrutinized because of a lack of transparency. However, these unscrutinized numbers can be crunched, summarized, compared, and reported in the media as if they really tell the story about the academic life of college athletes. For example, see the otherwise excellent story by the *Chicago Tribune's* Pulitzer Prize winning syndicated columnist Clarence Page,<sup>6</sup> and the transcript of the *March Madness* related *PBS Newshour*.<sup>7</sup> Editorials and media buzz have wholeheartedly supported Secretary Duncan's stress on academics.<sup>8</sup>

Comparisons of the graduation rates of college athletes to those of non-athletes are somewhat ludicrous, akin, for the most part, to making comparisons between apples and oranges. This is especially true when comparing rates for cohorts of full-time college athletes participating in big-time football and men's basketball programs with relatively easy majors against those of cohorts of full-time non-athlete males. The latter would include a considerable number of pre-med, pre-law, business, economics, science, technology, engineering, mathematics, and other time-consuming majors. If the cohort of full-time college athletes participating in big-time football and men's basketball programs were limited to to say the top 50-percent of the team roster with the most minutes of playing time, publicized comparisons would be even worse.<sup>9</sup>

The Institute for Diversity and Ethics in Sport uses the data provided by the NCAA that is, in turn, provided by the self-reporting schools. Again, without transparency, accountability, and independent oversight, there is no way of knowing what's going on re: the academic life of college athletes. This is precisely what piqued the interest of House Ways & Means Committee Chairman Bill Thomas and Senator Chuck Grassley back in 2006 when they were seeking to determine the justification for the NCAA's tax-exempt status.

As has been stated many times and communicated to members of the press and *PBS Newshour* producers over the past few years, the academic performance of college athletes is likely worse than data indicates if the athlete's graduation rates as calculated by either the Federal or NCAA methods if they could be downward adjusted to reflect cheating and academic corruption.<sup>10</sup>

**CONCLUDING REMARKS** – We of The Drake Group, have reminded Secretary Duncan that the academic life of college athletes is shrouded in secrecy—thanks to the NCAA's ability to use and abuse the privacy provisions of the Family Educational Rights and Privacy Act (FERPA) whenever it is asked for information that could prove embarrassing, as, for example, in 2006.

Secretary Duncan must understand that if he could somehow have the NCAA ban teams with low grad rates and/or low APRs, schools and coaches would likely work harder to mask cheating and academic corruption that enables them to employ professional teams for the *March Madness* basketball tournament.

Once again, without transparency, accountability, and independent oversight, there is no way of knowing what's going on re: the academic life of college athletes. A serious conversation between Secretary Duncan and Senator Grassley could very well catalyze long-awaited bipartisan action aimed at achieving transparency, accountability, and independent oversight of collegiate athletics and related academics.

President Obama appears to not only be an avid basketball fan, but also appears to be oblivious to the widespread academic corruption in collegiate athletics.<sup>11</sup> He is apparently reacting to supernormal stimuli.<sup>12</sup> This, coupled with political realities, may not allow him to give his wholehearted support to Secretary Duncan's effort to have the NCAA ban teams with low graduation rates. As stated in a previous essay, ending academic corruption in collegiate athletics won't be easy.<sup>13</sup>

**AFTERWORD** – We of The Drake Group believe Secretary Duncan deserves kudos for following up on the challenge to change that he directed toward the NCAA in his keynote address at their convention this past January.<sup>14</sup> To the best of our knowledge the Secretary's action—stressing an academic measure as a criterion for eligibility in the NCAA's *March Madness* basketball tournament was unprecedented. NCAA officials are not used to getting told what they ought to do by a member of the president's cabinet. They have become accustomed to having their way with state officials, members of Congress, and the media.

The Secretary's action was not only deemed masterful, but courageous as well. It created a media buzz on par with that surrounding House Ways & Means (then) Chairman Bill Thomas' sharply worded 2006 letter to NCAA President Myles Brand that sought to determine the justification for the NCAA's tax-exempt status and (then) Senate Finance Committee Chairman Senator Charles Grassley's follow-up hearing in December of that year.<sup>15</sup>

The March 26, issue of the *Chronicle of Higher Education* low keyed the Secretary's action—reporting that the NCAA is lukewarm to the eligibility policy advocated by the Secretary. That is a gross understatement. Why? Because the NCAA is not likely to support any policy that would factor academics into eligibility for its *March Madness* basketball tournament since such factoring could possibly compromise its vested moneymaking interests.

The NCAA has, and will most likely continue, to resist and/or work to undermine any effort that could possibly diminish the attractiveness of its commercial products for the simple reason that it is structured as an entertainment business featuring professional athletes, not an academic institution featuring athletes that are legitimate-degree-seeking students.

Given Secretary Duncan's reference to graduation rates, *Indy Star* investigative reporter Mark Alesia's breakthrough research on and analysis of graduation rates for Final-Four players should prove to be a valuable resource for the U. S. Department of Education and the Senate Finance Committee.<sup>16</sup> The related database shows evidence of clustering and easy majors.

What could be next? As previously stated, a serious conversation between Secretary Duncan and Senator Grassley could very well catalyze long-awaited bipartisan action aimed at achieving transparency, accountability, and independent oversight of collegiate athletics and related academics. Such an action would go a long way toward mitigating against the NCAA cartel's compliance avoidance techniques. Besides working with Senator Grassley to catalyze transformative bipartisan action, Secretary Duncan could also use his bully pulpit to continually remind NCAA officials and the public that they simply can't have it both ways. If this comes to pass, it will really be "one shining moment" for collegiate athletics and related academics.

April 4, 2010

#### **APPENDIX – A Note on Federal and NCAA Graduation Rates**

In 2005, The National Collegiate Athletic Association (NCAA) released a self-serving method for calculating the graduation rate for college athletes—the Graduation Success Rate (GSR). It then began to lobby for the GSR as a replacement for the U. S. Department of Education's Federal Graduation Rate (FGR).

The NCAA claimed the GSR gives a more accurate indication of what's going on with the academic lives of college athletes than the FGR which simply asks whether the athletes enrolled at the school graduate within six years. Athletes who do not receive a diploma at that school for whatever reason, including transferring to another school, are counted against the institution's FGR—unfair argued the NCAA because colleges can't stop people from transferring. Also, since the FGR ignores athletes who transfer into a school and then go on to graduate, the NCAA asked: What's the point of calculating a school's graduation rate if it doesn't include some of the students who actually attend and graduate from the school?

The NCAA's GSR calculation method increases the number of graduating athletes by including athletes who transferred in and then graduate. It eliminates athletes who leave the school from the denominator as long as they would've been academically eligible to compete the following semester even though there is no evidence they would graduate. The latter would include athletes who choose to drop out of school so they can play professionally. Since dropouts should be counted against the school's graduation rate because they won't graduate from the school, the GSR can render higher graduation rates than the FGR—no doubt the aim of the NCAA since the Federal rates are



appallingly low, especially when statistical adjustments are made for the percentage of part-timers in the general student body that have a lower graduation rate than full-time students.

If the truth be told, the Federal and NCAA methods of calculating graduation rates do not necessarily tell the entire story—both are imperfect systems as neither gives the true graduation rate for college athletes. Although both systems have flaws, the NCAA's GSR method has designed-in flaws that render a higher graduation rate than the Federal FGR method, for example, the elimination of dropouts from the initial cohort of enrollees.

Flaws notwithstanding, the FGR is the best (graduation-rate) measure of whether athletes at a given school are an "integral part of the student body." Unfortunately, it appears that the University of Central Florida's Institute for Diversity and Ethics in Sport seems to have been able to substitute the GSR for the FGR in the press and the public consciousness—virtually killing a metric that was adopted by the federal government in 1990—much to the delight of the NCAA's PR department.

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Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises (NCAA Manual, 2008-09, Bylaw 2.9 – Principle of Amateurism).
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9. The NCAA has a propensity to obfuscate and mislead—making self-serving comparative calculations by selecting data sets covering populations that show the academic performance of college athletes in the most favorable light. It is fond of claiming that most athletic departments have graduation rates that are on par with or even better than the rest of the student body—counting on the fact that reporters and others simply don't have the time, energy, inclination, or wherewithal to delve into the details of data that goes into the calculation of these rates.
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11. This is despite two open letters sent to President Obama in 2009; see "The Drake Group's Open Letters to the President and His Administration," <http://thedrakegroup.org/Obama.pdf> and <http://thedrakegroup.org/Obama2.pdf>.
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# The Binghamton Basketball Scandal: A Lesson for Presidents

By Frank G. Splitt, The Drake Group, April 20, 2010

In his *Inside Higher Ed* article, "Closing Argument," Jack Stripling tells how Lois DeFleur, president of the State University of New York at Binghamton, besmirched by a basketball scandal in recent months, plays down the scandal, foreseeing minor NCAA trouble and accusing the SUNY system and its chancellor of overreaching while critics say she's missed the larger point.<sup>1</sup>

President DeFleur could very well serve as the poster person for presidents beleaguered with problems and issues surrounding their professional sports entertainment businesses. The Binghamton scandal shows what can happen if someone blows the whistle on cover-up behavior by their institution—misleading, lying, and withholding facts to not only protect its NCAA franchised businesses, but protect related jobs as well, including that of the president.<sup>2</sup>

Sally Dear, the courageous Binghamton whistleblower, is the designated recipient of The Drake Group's 2010 *Robert Maynard Hutchins Award*. Presidents can rest easy because there are all too few Sally Dears in academe. Besides, the NCAA has provided its franchisees with considerable wiggle room re: academic eligibility requirements for college athletes. As Carole Browne, a biology professor at Wake Forest University and co-chair of the Coalition on Intercollegiate Athletics, has put it: "I think that the sliding scale the NCAA established has opened the door for institutions to justify the admission of students who are unable to compete academically."

In the article an associate professor of finance and former faculty athletics representative at Binghamton was quoted as saying: "I think the NCAA probably will be the ultimate decider of what happens, so we'll see what the NCAA does. I think we have a better chance of minimizing the amount of penalty by having the chancellor get involved and actually taking as much responsibility as we can."

The first posted comment on the article, titled "Binghamton's in luck if the NCAA will decide," targeted the above quote saying: "a very telling quote, both about the NCAA (which is to serious concern about academic integrity as the Reagan administration was to serious concern for the environment) and the kinds of faculty selected to be athletics representatives. Too often, faculty bodies elect individuals from among the most gung-ho supporters of campus athletics who then become advocates for rather than watchdogs over an enterprise that regularly circumvents even the most minimal kinds of academic expectations."

I followed by noting the previous commentator called attention to the NCAA's dubious role in assuring academic integrity in collegiate athletics and then went on to say:

In 1939, when asked why he abolished the football program at the University of Chicago, President Robert Maynard Hutchins, who deplored undue emphasis on nonacademic pursuits, said: "To be successful, one must cheat. Everyone is cheating, and I refuse to cheat."

Today the degradation of academics in collegiate athletics is even worse than Hutchins could ever have imagined. Academic corruption/cheating now abound thanks to the NCAA's rule changes that have not been to support or reinforce their own stated purpose and principle of amateurism, but rather to increase their market size and revenues by professionalizing their big-time football and men's basketball programs at the expense of the education of participating athletes. For example, the NCAA's academic eligibility requirements allow for the recruiting and admission of athletes that do not have the qualifications to do college level work.

Selena Roberts captured the essence of the situation in a 2005 *New York Times* article when she

said: "It is worth a take-home exam to discover how the brains behind higher education have lost their minds in the pursuit of football excellence."

How do the NCAA schools get away with it? A partial answer is that the schools operate as if they believe that what they do is only wrong if they get caught—most often by a whistle-blower, rarely by the NCAA.

But what has become apparent is that many schools have become masters of deceit and deception. These schools have literally made an art form of conjuring up education-lite, degree programs for their athletes so they can sustain the student-athlete myth and report high graduation rates.

The schools employ combinations of athletics-beholden and/or intimidated faculty, clustering of athletes in customized easy courses and special-study programs, as well as other innovative cheating and scamming mechanisms to maintain the eligibility of their athletes as well as rationalize the granting of diploma-mill-like degrees for far less than a real college education.

By no means do the school's reported graduation and academic progress rates mean that they play by the rules, that is, that they are fielding teams with athletes who are not only legitimate, degree-seeking students, but also are integral parts of the student body and the school's accredited educational programs, as well as not exploited for professional or commercial purposes.

Without transparency, accountability, and independent oversight there is no way of knowing what's going on re: the real as opposed to the reported academic life of the athletes at, for example, Butler, Duke, and the other teams that the NCAA declared eligible for their 2010 March Madness basketball tournament.

Tangible evidence of institutional academic integrity and/or corruption is exceedingly difficult to ascertain, thanks in no small part to the reluctance of government officials to confront the NCAA cartel. Education Secretary Arne Duncan is a notable exception. Also, the role of the Knight Commission and well-known college sports apologists in aiding and abetting the NCAA's professionalization efforts cannot be ignored.

One can really tire of telling and retelling the same story. It appears that the NCAA cartel really thinks it's too big to fail in spite of its dastardly practices that have helped destroy academic integrity in all too many institutions of higher education.

Hopefully, Secretary Arne Duncan and others won't be fooled by self-reported graduation and academic progress rates. For more, see Note 3.

## NOTES

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In large part, this essay is based on my posted comment on Stripling's article.

2. Early on in my work with The Drake Group, I saw striking parallels between the Catholic Church and its players and those of the NCAA cartel—the NCAA and its member institutions. Although inspired by Peggy Noonan's opinion piece, "How to Save the Catholic Church," [*The Wall Street Journal*, April 17-18, 2010], <http://online.wsj.com/article/SB10001424052702304510004575186451300061536.html>, this observation was not pursued herein. Suffice to say, since NCAA cartel management practices mirror those of the Catholic Church in many important ways, school presidents can learn from the experiences of Church officials while the Binghamton Basketball Scandal can provide a lesson for Catholic Church officials as well as school presidents.

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**2010 Robert Maynard Hutchins Award  
April 23, Luncheon Remarks by Frank Splitt**

First, my heartfelt congratulations go to Sally Dear, the recipient of the 2010 Robert Maynard Hutchins Award, and to our newly-elected president Jason Lanter.

Next, my thanks and appreciation go out to our past presidents Kadie Otto, David Ridpath, and Linda Bensel-Meyers as well as to fellow Drakes Allen Sack, Jon Ericson, John Gerdy, and Bob Gilbert. I stood on all of their shoulders during the past seven years and hopefully will continue to do so.

As most of you know, yesterday marked the 40th anniversary of the first Earth Day. It was observed by 20 million Americans, who united to show their concern and increase public awareness about preserving and protecting our planet.

The Drake Group has much to learn about the glacial-like process of change from this environmental movement that, like The Drake Group, is still agitating in its struggle against powerful vested interests. No surprise here since it was over 500-years ago that Niccolo Machiavelli told how difficult it is to bring about institutional change.

Devra Davis, a commentator on my first essay, "Reclaiming Academic Primacy in Higher Education," provided me with the following reform-related story that is rooted in her Jewish story-telling tradition that she used in her book, *When Smoke Ran Like Water: Tales of Environmental Deception and the Battle Against Pollution*:

"A group of workers is asked to do something quite difficult and complicated. They protest, The day is short! The work is too difficult! The project is too big! We do not have the right tools! And anyway, we are too tired! We will never finish this job! Their teacher replies, It is not for you to finish the task. But—you must begin."

The Drake Group's faculty-driven reform movement has had a great beginning—characterized by the academic interests of higher education rather than the commercial values of the entertainment industry.

A notable part of this beginning is that the issues surrounding the professionalized college sports entertainment industry have been recognized by Bill Thomas, when he was chairman of the House Ways & Means Committee, Senator Chuck Grassley, Ranking Member of the Senate Finance Committee, and by Education Secretary Arne Duncan who really seems to 'get it' based on his recent challenges to the NCAA.

Although it is only a beginning, the reform movement has the potential to ignite a remarkable revolution in intercollegiate athletics.

Strong transformational faculty leadership needs to be developed and exercised to assure a sustainable effort against the daunting and sometimes devious efforts to maintain the status quo—keeping in mind that without transparency, accountability, and independent oversight there is not only no way of knowing what's going on in the academic life of college athletes, but there is also no way to achieve significant and enduring reform.

Let me conclude as I did at the 2006 RMH Award ceremony in Indianapolis—using this well-known quote from Margaret Meade: "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

With my best wishes and warmest regards, Frank

NOTE: These remarks were presented by Dr. Jason Lanter in Dr. Splitt's stead.

## The Past and the Present: Hutchins Revisited

**Circa 1930s** – *A college racing stable makes as much sense as college football. The jockey could carry the college colors; the students could cheer; the alumni could bet; and the horse wouldn't have to pass a history test.*

— Robert Maynard Hutchins, former president of the University of Chicago

**Circa 2006** – *A college racing stable makes as much sense as pro-level college football and basketball. The jockey could carry the college colors; the students could cheer; the alumni could bet and invest; the horses wouldn't have to attend classes; pass tests, or maintain a 925 APR; and school officials wouldn't have to lie and cheat trying to prove that their horses are real horses.*

— Frank George Splitt, former faculty fellow at Northwestern University

## The Drake Group

**The Drake Group Mission:** The mission of The Drake Group (TDG) is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. The Drake Group's national network of college faculty lobbies aggressively for proposals that ensure quality education for college athletes, supports faculty whose job security is threatened for defending academic standards, and disseminates information on current issues and controversies in sport and higher education. The Drake Group seeks to form coalitions with other groups that share its mission and goals.

**The Drake Group Vision:** The Drake Group vision is to create an atmosphere on college campuses that encourages personal and intellectual growth for all students, and demands excellence and professional integrity from faculty charged with teaching.

**Contact:** Contact The Drake Group directly with any questions at [info@thedrakegroup.org](mailto:info@thedrakegroup.org).

**THE DRAKE GROUP**

<http://thedrakegroup.org>

# The NCAA and Its New President: Great Expectations

*Clips Guest Commentary*

*The NCAA's new chief executive says he'll continue Myles Brand's emphasis on academic accountability, but it remains to be seen whether or not he has the will, the freedom, as well as the wherewithal to do what's required and to prove the past is not prologue.*

*By Frank G. Splitt, 5-4-10*

The University of Washington chief executive, a lifelong academic, vowed to "continue the traditions of academic accountability that we've launched" under Brand, "keeping our eye on that ball."<sup>1</sup> So what can the new NCAA president really do beyond "keeping our eye on that ball?" As his predecessor Myles Brand's tenure indicates, not much beyond superficial tactics that provide good public relations and help fend off scrutiny by the U.S. Department of Education and the U.S. Congress. Here's the story:

## COLLEGE SPORTS ARE BIG BUSINESS

College sports are a big entertainment business not an education business. The NCAA is not in the business of reform that will bring about academic accountability. Without transparency and independent oversight, there will never be academic accountability—only high-sounding rhetoric, superficial tactics, and related public relations announcements.

The NCAA is preoccupied with staying in business as the franchiser of professional, big-time college-sports programs for its member school franchisees. Together with the schools, the NCAA exploits college athletes while making huge amounts of tax-exempt money under the guise of an institution of higher education. In effect, the government subsidized NCAA manages minor league teams for the NFL and the NBA—supplying a stream of professional-level athletes for their respective drafts.

The NCAA's strategy to stay in business is to maintain the illusion that they are an institution of higher education, that college athletes are really students on a legitimate degree-seeking track, and that it is capable of instituting requisite reforms without government intervention and a consequent loss of its tax-exempt status.

Mark Yost concluded a recent commentary by saying: "Myles Brand's death from pancreatic cancer was a tragedy. But there's a cancer eating away at college athletics. If someone doesn't eradicate it, it could potentially infect the entire university system."<sup>2</sup>

## SOME PARTICULARLY INTENSE PROBLEMS

Billy Witz tells the kind of story that provides a good sense of the problem; it's a story that is all but ignored by the general public and their representatives in Congress.<sup>3</sup> In the story, Nathan Tublitz, University of Oregon Neurobiology Professor, president of the school's faculty senate, and a former co-chair of the Coalition on Intercollegiate Athletics, is quoted as saying: "It's time for the athletic department to do a little soul searching on how they can serve the university. The athletic department is out of control here."

With reference to related stories on *ESPN.com*, Witz quotes Oregon's Football Coach Chip Kelly as saying: "Of the nine headlined stories, five were about players in some sort of trouble .... Florida has had 27 football player arrests in five years; Alabama had 10 arrests in Nick Saban's first 18 months as coach; Ohio State had 14 arrests between 2001 and 2004; and Penn State had 46 arrests between 2002 and 2007....It happens everywhere, it happens in every sport. The problem is we're a high-profile sport and we live in a fish bowl, so people know about it. And our players understand that."

Tom Palaima, University of Texas-Austin Dickson Centennial Professor of Classics, can certainly attest to what Kelly had to say as Palaima has listed and commented on the major problems with sports at his school—financially, educationally, ethically and in terms of the true value of competitive sports.<sup>4</sup>

Meanwhile, lavish spending and academic fraud scandals continue to tarnish the image of American higher education while the NCAA cartel appears to be enveloped by a perfect storm.<sup>5</sup>

There's a valuable lesson that can be (re)learned from these observations, in a nutshell: Big-time college sports are out of control almost everywhere and it's the time for athletic departments as well as the NCAA to do or be forced to do much more than a little soul searching on how they can serve the universities."

#### REFORM-MINDED NCAA PRESIDENTIAL CANDIDATES

In his April 28, 2010, column, sportswriter Bob Gilbert wrote: "The NCAA executive committee soon will select a new president to succeed the late Myles Brand, and the choice is likely to be a president or athletics director already embedded in the entertainment-industry mindset that drives the NCAA. If that happens, it will not be good for major college football, men's basketball or higher education in general. The NCAA cannot effectively deal with the problems of escalating coaches' salaries, extravagant expenditures for athletics facilities or the myriad of other issues it faces unless it chooses a president with the courage to say "no" to the exploitation of athletes and excessive commercialization of college sports."

Gilbert reminded his readers that several months ago he named eight persons who, because of their philosophies and backgrounds in education and their awareness of athletics problems and ideas for solving them, would make a good NCAA president. Among them was Dr. Allen Sack, director of sports management at the University of New Haven and one of the leaders of the movement to reform big-time college athletics and restore them to the mainstream of campus life.

Sack was a starting defensive end on Ara Parseghian's 1966 Notre Dame national championship team. Today he is concerned about the direction and role of athletics in higher education—outlining related problems and their solutions in a recent book.<sup>6</sup> During the course of the *2010 Scholarly Conference on College Sport*—sponsored by the University of North Carolina-Chapel Hill's College Sport Research Institute this past April 21-23—Gilbert asked Sack what he would do as NCAA president. Sack outlined a three-phase plan as follows:

1. Propose legislation that would prevent schools from withdrawing athletic scholarships from athletes with injuries. Current rules which allow coaches to deny scholarship renewals because of injury are "unconscionable," he said.
2. Transform athletic scholarships from employment contracts into educational gifts by replacing one-year renewable contracts with multi-year grants whose renewal would not be conditioned on athletic performance--- substituting the term "collegiate model" for "amateur model" in sports in which athletes receive financial subsidies, including room, board, tuition and fees. Such athletes would be neither amateurs nor employees.
3. Require athletes who are "special admits" – those with below-standard test scores but who have special skills such as sports or the arts – to sit out their freshman year to prove they can succeed academically, including a 2.0 grade-point-average to stay eligible for sports.

Sack explained saying: "Reforms such as these would sharpen the line of demarcation between collegiate and professional sports, thus allowing the NCAA to honestly state that big-time college athletes are neither amateurs...nor professional entertainers. The term amateur would still apply to schools that offer need-based or academic-performance financial aid."

In his aforementioned commentary, Yost cited reasons why Nancy Zimpher, Chancellor of the State University of New York (SUNY) and former University of Cincinnati president, is "eminently qualified" to be the new president of the NCAA. Zimpher has an outstanding national reputation earned through her many accomplishments and proven ability to really stand up for academic primacy in higher education. Yost said "Nancy Zimpher is the kind of hard-nosed, independent executive that the NCAA needs to lead a renewed effort at academic integrity in college athletics."

#### THE SELECTED CANDIDATE



It seems evident that the NCAA was definitely not looking for a president that would lead a renewed effort at academic integrity in college athletics following the thinking of Allen Sack and actions of Nancy Zimpher. Hiring Mark Emmert to follow Myles Brand was the continuation of a key tactic of giving a university president a long-term contract with mega-level annual compensation—likely in the order of more than \$1 million—to provide the NCAA cartel with a much needed academic front and articulate spokesperson.<sup>7</sup>

What the NCAA needed was a strong, tough-minded leader, someone who has the capacity to far surpass Brand in their ability to defend the status quo of highly commercialized and professionalized collegiate athletics while fighting off efforts to impose requirements for transparency, accountability, and independent oversight of the NCAA cartel's operating practices as well as maintaining the illusion of reform. No doubt Mark Emmert will be an articulate and powerful spokesperson for the NCAA cartel to help fend off critics and long overdue government inquiries—the right man for the particularly intense times at NCAA's Indianapolis headquarters.<sup>7</sup>

Emmert speaks of continued emphasis on accountability and graduation rates, but CBS speaks of adding another "marquee sporting event" while Turner Broadcasting gushes about its "landmark acquisition." Could this just be a mindset embedded in the entertainment-industry that drives the NCAA and/or another manifestation of the Louisiana way?<sup>8</sup> In the referenced piece, Emmert was quoted as saying: "Simply put, success in LSU football is essential for the success of Louisiana State University," in response to objections to Nick Saban's \$1.2 million salary as the new LSU head football coach.

#### EXPECTED NCAA AND PRESIDENTIAL FOCUS

Experience teaches that rather than esoteric soul searching, the NCAA cartel will most likely focus on the protection of its vested interests. It will do this by effectively dealing with cost problems associated with escalating coaches' salaries and multimillion-dollar expenditures for ever improving athletics facilities. They will also confront the ramifications of the fact that a majority of presidents of NCAA Division I universities feel powerless to affect change in the college sports culture as well as confront a host of other issues related to the intensive commercialization of college sports and the increasingly difficult task of perpetuating the amateur student-athlete myth.<sup>9</sup>

Emmert like Brand is not expected to be empowered by the cartel to initiate serious reform, i.e., to emulate Judge Kenesaw Mountain Landis, baseball's first commissioner who was able to take firm control of major league baseball when its integrity was in question. Also like Brand, Emmert is a respected academic; however, his administrative history indicates he is no Allen Sack or Nancy Zimpher when it comes to reclaiming academic integrity in higher education by emphasizing academics over athletics.

The cartel is expected to let their new president keep on keeping his eyes on the academic accountability ball, but is not expected to allow him to hit that ball with serious reform measures unless, of course, the government forces it to do so. The cartel would much rather have him respond to the encouragement of the Knight Commission on College Athletics to put financial reform on the top of his agenda.

The cartel would also expect him to continue with the execution of proven anti-reform tactics. Among these proven tactics are co-opting external reform efforts by "working together" as it does with the Knight Commission, providing weak rules enforcement, and operating as the least transparent business in America by shrouding its operations in a veil of secrecy—using and abusing the privacy provisions of the Buckley Amendment to the Family Educational Rights and Privacy Act.

Exposure of these businesses to the light of day would show NCAA rule changes that have not been to support or reinforce their own stated purpose and principle of amateurism, but rather to increase their market size and revenues by professionalizing their big-time football and men's basketball programs at the expense of the education of participating athletes.

#### THE FUTURE OF REFORM

Notwithstanding the above, the new NCAA president deserves a fair chance to show that the past is not prologue—that he can alter the NCAA cartel's course and rise above its likely great expectations and reverse the its

preoccupation with money, pervasive academic corruption, and disregard for athletes' rights and welfare. Perhaps he can begin by taking a queue from a spokesperson for attendees at the Vatican Press Room gathering who called the past two months "particularly intense" before calling for "maximum transparency" in the face of the crisis to "reduce the perception that we have a secretive culture, or something to hide."<sup>10</sup>

Serious reform will likely be impeded by ardent defenders of the status quo, many are NCAA-affiliated individuals and organizations—some were named candidates for the NCAA presidency.<sup>11</sup>

Nothing short of victories in court and/or a change in federal tax law will clean up the mess in big-time collegiate athletics.<sup>12, 13</sup>

As Sonny Vaccaro has said: "It will change if the O'Bannon case wins, and other kids win suits. It will only win in a suit—not by a vote, not by the (college) presidents; it will only change by law ... The O'Bannon case is going to shake the world. It's going to change the face of what amateur athletics is."

## NOTES

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3. Witz, Billy, "Off-Field Turmoil Causes Soul Searching at Oregon," *The New York Times*, April 30, 2010, <http://www.nytimes.com/2010/05/01/sports/01oregon.html>.
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# The NCAA and Its New President: An Afterword

Frank G. Splitt, The Drake Group, May 28, 2010

Subsequent to writing the *College Athletic Clips* Guest Commentary, “The NCAA and Its New President: Great Expectations,”<sup>1</sup> I was invited as a guest on Bob Gilbert's May 15, 2010, WBCR Truth Radio Program. The invitation prompted a careful study of Mark Emmert's Curriculum Vitae.<sup>2</sup>

When combined with prior inputs, this study indicated that Emmert is eminently qualified for the NCAA presidency. Put another way, he has the "right stuff" from the NCAA's perspective not only to protect, but also lead its big-money driven professional college sports entertainment businesses.

By all accounts, Emmert is a pragmatist who is unquestionably capable of making his predecessor, the late Myles Brand, and the NCAA's school-president apologists appear as comparative lightweights.<sup>3</sup> He also appears to be of the same maintain-the-status-quo mindset as John Lombardi, President of the Louisiana State University System, who once said of present day big-time college athletics programs:

It reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we ...want it. We could easily change it, if most of us wanted to change it. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best—often the most expensive—programs in America by winning games and championships.<sup>4</sup>

Here are some of the likely expectations the richly-resourced, hypocrisy-ridden NCAA cartel has as a consequence of selecting the highly skilled Emmert as its new president ... expectations beyond providing an academic front for its professional sports entertainment businesses to the effect that:

1. All big-time school presidents will rally around their new self-proclaimed ‘servant-leader’.<sup>5</sup>
2. NCAA apologists will not only rave about Emmert’s selection, but will also provide him with resonance chambers to amplify high-sounding rhetoric of mass distraction to mask the brutal truths about its sports entertainment businesses.
3. There will be no adoption of serious reform measures such as transparency, accountability, and independent oversight, or any measure that could possibly have a negative impact on the cartel member’s bottom lines.
4. Emmert will take firm command of the cartel’s vast array of financial and legal resources as well as take maximum advantage of its political connections, symbiotic relationship with the media, and continue touting its (cozy) working relationships with the Knight Commission, the Association of Governing Boards, and the Coalition on Intercollegiate Athletics as evidence that it is serious about college sports reform.
5. An Emmert-led cartel will prove to be a formidable adversary for serious reform-minded organizations such as the National College Players Association, the National Coalition Against Violent Athletes, and The Drake Group—stifling their reform initiatives in the courts as well as in the U. S. Congress and at the U. S. Department of Education.<sup>6</sup>

In summary, Emmert possesses the background and gravitas requisite to be a strong leader of the NCAA cartel's defense against all challenges and charges by the U. S. Department of Education, the U. S. Congress, and reform-minded organizations, no matter how great the challenges and no matter how serious and how warranted the charges may be—all the while he will provide the cartel with a patina of respectability based on his academic background. In that sense, the NCAA has made a superb choice in selecting him as its next president.

Come November, Emmert will serve as a richly compensated ringmaster for one of the greatest shows on earth—what Murray Sperber called the beer and circus of college sports that is crippling undergraduate education in America.<sup>7</sup>

## NOTES

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6. Serious reform-minded government and non-government organizations must confront the culture of corruption and hypocrisy that is endemic to NCAA policies, regulations and decisions as well as the irresponsible positions taken by many of the cartel's leaders. For examples, see Jason Whitlock's May 26, 2010, *Kansas City Star* article, "NCAA breeds a culture of corruption," at <http://www.kansascity.com/2010/05/26/1973956/ncaa-breeds-a-culture-of-corruption.html> and Tom Palaima's report to the U Texas-Austin Faculty Council at [http://www.utexas.edu/faculty/council/20092010/reports/COIA\\_PALAIMA\\_051010\\_FINAL.html](http://www.utexas.edu/faculty/council/20092010/reports/COIA_PALAIMA_051010_FINAL.html)

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# **Collegiate Athletics Reform ... It's a Long and Lonely Journey**

*A Collection of Related Commentaries  
With a Foreword by Dr. Allen L. Sack  
And Afterword by Dr. Clara M. Lovett*

**By Dr. Frank G. Splitt**

**The Drake Group**

**November 2, 2010**

*Intercollegiate athletics, as currently practiced by many universities, compromise admissions standards, weaken the curriculum, and threaten other essential academic values. Neither coaches nor athletic directors, nor presidents, nor trustees can bring about real reform without help. Faculty members have the most at stake in upholding academic values; they represent the best hope of achieving genuine progress in making the kinds of changes required. As a result, I warmly endorse the arguments contained in this brief for involving faculty in a campaign for integrity in college sports.*

**Derek C. Bok,\*** 300th Anniversary University Professor and former President, Harvard University

*Universities exist to transmit understanding and ideals and values to students, and to add to the body of intellectual knowledge, not to provide entertainment for spectators or employment for athletes. The proper role of athletic activity at a university is to foster healthy minds and healthy bodies, not to produce spectacles.*

**Milton Friedman,** Nobel Laureate, excerpt from his 1998 endorsement of the *Rutgers 1000* campaign

*What has been allowed to become a circus—college sports—threatens to become the means by which the public believes the entire (higher-education) enterprise is a sideshow.*

**A. Bartlett Giamatti,** the late former president of Yale University and former commissioner of Major League Baseball

*Frank Splitt's brief is a wake-up call for university faculty who truly care about undergraduate education. If we faculty think that the mindless expansionism of the research universities is somebody else's business, then we deserve what we get. Splitt is correct to argue that gigantism and corruption in athletics goes hand in glove with gigantism and corruption in the educational process. The system of higher education is out of control. In their own way, the Ivies are just as badly impacted as the Big Twelve. Even well intended university reformist presidents have not been able to stop the trend to financial aggrandizement. Education is too important to be left to anyone other than educators. So faculty must rise up to demand reform of intercollegiate athletics, to reject the hypocrisy of the notion of 'student athletes,' and to assert the primacy of undergraduate education. This is a battle we cannot afford to lose.*

**Stanley N. Katz,\*** Professor, Woodrow Wilson School of Public and International Affairs, Princeton University, and President Emeritus, American Council of Learned Societies

*Frank Splitt's well-researched brief identifies clearly the distortion of institutional priorities and the threats to academic integrity that result from increasing commercialization and obsession with winning in "big-time" college sports. The situation has developed gradually over the past 100+ years, and now its correction faces major obstacles, both financial and psychological, in particular, the dependence on revenues from football and men's basketball to fund bonded indebtedness on expensive athletics facilities and to support the non-revenue producing sports, and the over-identification by too many alumni and other supporters of their own value with "their" school's athletic success. Can the situation be corrected? I believe it can, but with great difficulty. It will demand a long-term, coordinated effort by responsible faculty leaders, presidents, and governing board members who are willing to put aside personal advantage and work together to do what is right for their institutions and the educational enterprise. Frank Splitt has pointed us down the right path. Will we have the courage and perseverance to follow it?*

**John W. Prados,\*** Vice President Emeritus and University Professor, The University of Tennessee, and former president, Accreditation Board for Engineering and Technology

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\*From his comment on "Reclaiming Academic Primacy in Higher Education," The Drake Group, Dec. 31, 2003, [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)

## **A MESSAGE FROM THE DRAKE GROUP PRESIDENT**

When I first became aware of Dr. Frank Splitt and his efforts for academic reform in intercollegiate athletics, I was impressed by his scholarly approach to reform. Now, six years and eighty plus essays later, I am astounded at his consistent determination and ferocity to help lead change in higher education. Frank has turned his efforts from a general commentary approach, which still does exist today, to a more focused aim towards the only organization that might truly be able to reign in the commercialism in intercollegiate athletics – the US government. Through almost weekly emails, news updates, and two open letters to President Obama he has lobbied the government to intervene and investigate the justification for the NCAA's not-for-profit tax status.

At times, it may seem like Frank is a lone voice speaking out against the rise of commercialism in intercollegiate athletics. However, I believe he is the voice speaking out for many people – faculty, advisors, and administrators – afraid to say how they really feel. At the same time, many people feel helpless as to how they can change this rampant commercialism and find it easier to just throw up their hands in resignation. Frank simply will not give up and his voice, representing that of so many others, has been heard. In 2006, the House Ways and Means Committee started an investigation into the tax exempt status of the NCAA. In 2010, the Secretary of Education directed critical commentary at the intercollegiate athletic sport complex which echoed the spirit of Frank's continuing request for government intervention.

We need to continue to examine this rampant commercialism at all levels of intercollegiate athletics as a way to refocus our institutions of higher education back on their primary goal – the education of students. It is our duty as faculty, advisors, and administrators to ensure that all college students, regardless of any extracurricular activity, are receiving a quality education. I applaud Frank and his reform efforts on his 80<sup>th</sup> birthday. Frank will continue to speak out and so will I. Will you add your voice and speak out against commercialized college sports and its impact on higher education?

**Jason Lanter, President of The Drake Group, Asst. Professor of Psychology, Kutztown University**

### **THE DRAKE GROUP**

**The Drake Group Mission:** The mission of The Drake Group (TDG) is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. The Drake Group's national network of college faculty lobbies aggressively for proposals that ensure quality education for college athletes, supports faculty whose job security is threatened for defending academic standards, and disseminates information on current issues and controversies in sport and higher education. The Drake Group seeks to form coalitions with other groups that share its mission and goals.

**The Drake Group Vision:** The Drake Group vision is to create an atmosphere on college campuses that encourages personal and intellectual growth for all students, and demands excellence and professional integrity from faculty charged with teaching.

Contact: Contact The Drake Group directly with any questions at [info@thedrakegroup.org](mailto:info@thedrakegroup.org).

## COMMENTS ON THE COMMENTARIES

*I concur with Frank Splitt's views that we need to get priorities right at our nation's universities and that America's higher education enterprise should be focused on academics not athletics. The only way America will be able to maintain its place as the world's premier economic power is to fully develop the potential of its people. Meeting this challenge will require an education system in which the primacy of achievement and excellence in all spheres of life is absolutely clear...Funding priorities for extracurricular programs as well as for core academics must be scrutinized, particularly our tendency to fund large sports programs that serve a small number of elite athletes at the expense of broad-based programs in music and the arts.*

**John R. Gerdy**, Visiting Professor in Sports Management at Ohio University and author of *Air Ball: American Education's Failed Experiment With Elite Athletics*.

*As a journalist for a half-century, I developed many sources of information in the governmental, private and academic sectors. None proved more valuable than the one I encountered in the early 2000s when whistleblowers began exposing the hijacking of higher education by university presidents, trustees and athletics directors who have used their institutions to commercialize the college sports entertainment industry. Frank Splitt became a prized resource and conduit of information in the growing movement to reform big-time college athletics. Allen Sack's powerful foreword sets the stage for commentaries that are an example of dedication to facts and detail in Frank's tenacious and articulate defense of academic integrity. Frank is courageous in challenging the false-premises, posturing and demagoguery of those who attempt to advance the greed-based objectives of the National Collegiate Athletic Association to the detriment of academia. I treasure Frank's friendship and salute his determination to make a difference.*

**Bob Gilbert**, Former Associated Press writer, retired University of Tennessee news director, and author of *Neyland: the Gridiron General*.

*In my 6 years as editor of a subscription-based news organization with a mission to provide all sides of every issue related to college athletics, I have interacted with hundreds of people who cover a wide spectrum of opinions on the subject. If asked to describe Frank Splitt in two words, I would say "Renaissance Man." As reflected in this collection of his latest commentaries, Frank is an idealist in the sense that he advocates for optimum resolution of complex issues. The commentaries reveal a passionate champion of academic integrity and primacy, as well as transparency and accountability in big-time college athletics operations. Some might disagree with his opinions, but none can deny his perseverance, consistency and the persuasiveness of his arguments on behalf of the Drakes.*

**Nick Infante**, Editor, *College Athletics Clips*.

*Sometimes it takes almost a complete life to meet people who inspire you. In some inexplicable way my path in life and Dr. Frank Splitt's path merged. It has taken me a long time to acknowledge the inequity in athletics and academics. When you are so deeply involved on one side of the fence you fail to see the other. When I finally emerged from my cocoon and looked over the other side of the fence, I knew then that I wanted to get out my sword and go after the windmills. I wanted to try and make sense of reasons for the failure of people to understand that academics and athletics could coincide in college sports. Then came this lightning rod of an individual who had no prior connection to me or anyone I knew, Dr. Frank Splitt. In his own inimitable way he taught me more than anyone about the other side of the ball in this game. His patience with me and my lack of understanding with him was something that you couldn't take odds on...two diverse people fighting for the same cause and somehow ending up on the same road to fairness for all.*

*Reading Frank's many articles, being introduced to his numerous friends and contacts showed me the passion he has for this fight for academic integrity and fairness for all. Frank is a reincarnation of Paul Revere; he reaches out to anyone and everyone who will take the time to listen to his logical arguments. Frank Splitt continues to enrich all our lives with his knowledge, wisdom and passion. There is much to be learned from his writings and wisdom. I hope that the people who read this publication will pass it on to others. I also hope that Frank has many more years to dedicate to academic integrity and fairness to all students.*

**John P. (Sonny) Vaccaro**, Lecturer, former sports marketing executive.



## FOREWORD

I first met Frank Splitt in 2006 when I had the honor of presenting him with the *Robert Maynard Hutchins Award*, named after the former University of Chicago President who had not only fought for academic integrity in college sport, but had fearlessly defended academic freedom. The Drake Group, an organization of faculty and staff whose mission is to defend academic integrity in the face of the burgeoning college sport industry, presents the *Hutchins Award* every year to faculty and others who are often ostracized and vilified for merely doing what faculty are supposed to do, defending academic standards.

Like Hutchins, Frank has been an outspoken critic of the unbridled commercialism and professionalism which often swamp the academic values that amateur college sport is supposed to enhance. His voluminous essays and writings have raised public consciousness regarding athletic corruption, and he has worked tirelessly with the Drake Group lobbying leaders in the United States Congress to create disclosure mechanisms to increase institutional accountability in intercollegiate athletics. He is one of the brightest, bravest, and loudest voices advocating college athletic reform.

In 2005, Frank's title as McCormick Faculty Fellow at Northwestern University was unceremoniously retracted only three days after the publication of his letter to the editor of the *Wall Street Journal* that was highly critical of big-time college sports. The timing of the retraction, two months prior to the termination date of his fourth three-year appointment, makes it difficult to believe that the retraction was unrelated to his role as an activist for sports reform. He was delivering a message that very few university trustees like to hear, especially from members of their own community. His early dismissal drives home the point that defending academic integrity in collegiate athletics often exacts a price, even on someone with Frank's impeccable international reputation as a corporate leader and an applied scientist.

There is no shortage of recommendations for collegiate athletic reform, many of which could help to realign big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport. Frank's special genius has been his focus on the one source of leverage that is likely to get the NCAA to adopt some of these reform proposals: the threat of congressional intervention. In 2006, Frank and the Drake Group supported a congressional initiative to make the continuation of the not-for-profit status of the NCAA and its member institutions contingent on the disclosure of data on the academic performance of big-time college athletes.

In October 2006 William Thomas, chair of the House Committee on Ways and Means, pursued some of the Drake Group's concerns by asking NCAA President Myles Brand to justify the NCAA's and its member institutions' not-for-profit status. According to a New York Times' editorial, "the House Ways and Means Committee sent shock waves through college sports when it asked the National Collegiate Athletic Association to justify federal

tax exemption by explaining how cash consuming, win-at-all costs athletics departments serve educational purposes.” These tax issues will remain controversial as conferences grow in size and develop their own television networks.

Even though the new U.S. Secretary of Education, Arne Duncan, leveled some very critical remarks at big-time college sport at the 2010 NCAA National Convention, the Obama administration and Thomas’ successors as chairs of the House Committee on Ways and Means have put college athletic reform on the back burner. In *Collegiate Athletics Reform...It’s a Long and Lonely Journey*, Frank updates the Drake Group’s Congressional efforts and argues that organizations that are capable of making a difference, such the Knight Foundation and the federal government, have fallen asleep at the wheel.

In this collection of commentaries, which will be released on his 80<sup>th</sup> birthday, Frank argues that the decline of standards in college sport is symptomatic of a similar decline in the American educational system in general. He sees a crisis on the horizon as America’s competitors in the global economy leave us behind educationally. While our competitors build world-class universities with “laser-like focus on academics,” American universities have become entertainment centers, prostituting academic values “for the near-term fame and fortune of the sports entertainment industry.”

Frank’s frustration with Washington, and especially with the once prestigious Knight Foundation Commission on Intercollegiate Athletics, is palpable. Yet he pushes on while others, including President Obama and Education Secretary Duncan, remain asleep at the switch.

I do not expect Frank’s commentaries to end anytime soon. In fact, the best are yet to come.

Allen L. Sack, President Elect  
The Drake Group  
Professor, School of Business and  
Director, Institute for Sports Management  
University of New Haven

# INTRODUCTION TO THE COMMENTARIES

Notwithstanding revelatory books such as *Scoreboard*, *Baby* and *Varsity Green*, as well as a plethora of commentaries and exposés, there remains an unheralded crisis in higher education. Cheating, corruption, complicity, and other bad behavior in the world of collegiate athletics is effectively overlooked by the general public and ostensibly responsible parties—including the NCAA, the U.S. Department of Education, the U.S. Congress, and the so-called watchdog Knight Commission on Intercollegiate Athletics. Facts and allegations seem to have had little if any impact on the powers that be in Washington who give every indication of being asleep at the switch.

The long-term negative consequences for America's corporatized system of higher education<sup>1</sup> and its status as a global leader is all but ignored. Institutions of higher learning continue to prostitute themselves to pursue near-term fame and fortune via their sports entertainment businesses while avoiding accountability via their use and abuse of FERPA, the Family Educational Rights and Privacy Act.

The Drake Group and other reform-minded organizations and individuals that have focused on the corruptive influence of the college sports entertainment industry on higher education have much to learn from the recent experience of Washington D.C. Mayor Adrian Fenty and K-12 School Chancellor Michelle Rhee who resigned her position as chancellor.<sup>2,3</sup> Rhee, along with Education Secretary Arne Duncan, favored linking teacher evaluations to student test scores and closing failing schools. Mike Petrilli of Thomas B. Fordham Foundation, a nonprofit group that advocates for tougher education standards, was quoted,<sup>4</sup> calling her departure a "sobering moment" in the education wars:

The American public expresses support for the idea of education reform, but when it comes down to the tough decisions, like firing bad teachers or closing schools, they become more skittish. This sends a loud message to other would-be reformers that they have to keep up the fight.

With reference to the disappointing lack of decisive action by the Obama Administration and its Department of Education, the closing sentence of a related editorial<sup>5</sup> can be paraphrased as follows:

One reason college sports reform is so difficult is because the NCAA and its member institutions believe their political influence and money will outlast even the bravest reformers in the end—which is why they're cheering in Indianapolis.

It's really all about making big money in the near term—money for the promoters, schools, conferences, and everyone involved.<sup>6</sup> There are, however, notable exceptions—exploited counterfeit-amateur athletes.<sup>7</sup> Many of these athlete-entertainers, so-called 'student-athletes,' do not have learning outcomes commensurate with a bona fide college education and have only a very remote chance of making it to the NBA or the NFL.

The commentaries tell a good part of the story about keeping up the fight on the long and lonely journey toward collegiate athletics reform. It's an exceedingly difficult journey made with full knowledge that, for all intents and purposes, the American public values college sports entertainment over education, accepts the institutionalized corruption that enables schools supporting big-time football and men's basketball programs to field professionalized athletic teams, and remains oblivious to the long-term negative consequences of the "rise of the rest" in a post-American world;<sup>8</sup> worse yet, a dysfunctional government all but guarantees that its officials will remain under the political influence of the NCAA and its member institutions no matter what.

The grim reality is that technology has given birth to globalization that is not only costing U.S. jobs, but is also shattering the America Dream for its middle class citizens. Nevertheless, there is still hope for the future. Significant change will be required to fix a broken system that only caters to powerful moneyed interests and panders to sports fans. We need to get priorities right at our nation's universities. America's higher education enterprise should be focused on academics, not athletics. This means emphasis on learning and research not on commercialized sports entertainment and health-spa-like facilities.

Fareed Zakaria offers a recommended course of action in the form of four key measures to encourage the bottom-up creation of jobs by companies rather than top down by government fiat.<sup>9</sup> Among these measures is ‘training and education’ that would require a major initiative on the scale of the GI Bill—“a training triangle in which the government funds, the education system teaches and industry hires.” Members of top-ranked BCS football teams and the NCAA’s Final-Four basketball teams will not likely be eligible to play in this global game.

The commentaries are as follows:

1. An Unheralded Crisis in Higher Ed, page 4.
2. Why the NCAA and the Knight Commission Miss the Seamy Side of College Sports, page 7.
3. *Scoreboard, Baby* Notwithstanding, Things Do Not Bode Well For College Sports Reform in Washington, page 10.
4. *Scoreboard, Baby* Notwithstanding: A Postscript, page 17.

Dr. Lovett’s Afterword appears on page 20.

## NOTES

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*Corruption? .... We have laws against it precisely so we can get away with it. Corruption is our protection. Corruption keeps us safe and warm. Corruption is why you and I are prancing around in here instead of fighting for scraps of meat in the street. Corruption is why we win.*

— Tim Blake Nelson (playing Danny Dalton) in *Syriana*, screenplay by Stephen Gaghan

## EXCERPTS FROM THE COMMENTARIES

*Hopefully, in years to come America's colleges and universities will not have morphed into subsidiaries of the entertainment industry and President Obama will not have to say, as he did during the oil-spill crisis: "In case you were wondering who's responsible, I take responsibility." By then it will be too late to make up the all too many years of lost time.*

—Unheralded Crisis in Higher Ed

*Weak enforcement of NCAA rules coupled with the absence of transparency, accountability, and independent oversight has been a key enabler for the professionalization and the sustainability of the seamy side of big-time college sports.*

—Why the NCAA and the Knight Commission Miss the Seamy Side of College Sports

*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.*

— Scoreboard, Baby Notwithstanding

*The loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs has not gone unnoticed by America's Asian and Middle-eastern competitors. They have prioritized the education of their citizenry above all else as they build world-class universities with laser-like focus on academics, especially science, technology, engineering, and mathematics, rather than building facilities for the entertainment of spectators or the employment of 'student-athletes.'*

— Scoreboard, Baby Notwithstanding: A Postscript

## **An Unheralded Crisis in Higher Ed**

*There seem to be only a precious few who care about a crisis in higher ed wherein the academic mission at many schools has been hijacked by the professional college sports entertainment industry that is not only fueled by an ocean of tax-free money and enabled by corruption and cheating, but aided and abetted by all too familiar forms of cronyism and scandalously cozy relationships as well.*

By Frank G. Splitt, The Drake Group, 5-31-10

**PROLOGUE** – The February 9, 2010, *PBS Frontline Program*, "Flying Cheap," was keyed to the final investigative report on the Buffalo crash of Continental 3407, the deadliest U.S. air accident in eight years.<sup>1</sup> Congressional Investigator Clay Foushee said: "It is the watershed accident. It's become the symbol of everything that's wrong with the industry." The investigation focused on a major transformation in the airline industry—exposing the reduced safety margin issue associated with regional air carrier transportation relative to the safety margins of the hub-centered major airlines. In large measure, the reduced safety margins can be attributed to the corruptive influence of unbridled cronyism and the cozy relationships between the operators (the regional carriers) and their governing agency where relationships preempted the oversight mission of the agency—in this case, the U. S. Department of Transportation.

**CRISES AND COMMON CAUSES** – A repeat broadcast of the "Flying Cheap" program on May 25, 2010, came at the same time network news programs were announcing the frustrations of government officials and the general public with the oil-spill disaster in the Gulf of Mexico as well as with America's continuing financial crisis. Only a few weeks before, while attention was focused on debate surrounding the healthcare crisis, the *National Catholic Reporter* carried a front-page story on the founder of the Legion of Christ, a secretive, cult-like religious order now under Vatican investigation, saying: "his life was arguably the darkest chapter in the clergy abuse crisis that continues to plague the church."<sup>2</sup>

Mounting evidence indicates that all of these disasters and crises appear to have the same root cause as that exposed by the "Flying Cheap" expose—cronyism and the cozy relationships between operators and governing bodies (regulators, official watchdog agencies and surrogates, both official and unofficial). Cronyism and scandalously cozy relationships played major roles in reducing safety margins for offshore oil drilling, the near crash of America's financial system with its related loss of jobs and home foreclosures, and the exorbitant cost of health care, as well as the pedophile cover-up in the Roman Catholic Church.

The general public is justifiably upset with the government's lack of competent oversight and regulation of regional carriers, offshore drilling companies, the healthcare industry, and Wall Street's obscure financial mechanisms. Catholic laity and the vast majority of priests and nuns are not only disgusted with the behavior of the pedophile priests, but also with the initial weak response by the Vatican.

**AN UNHERALDED CRISIS** – Standing in sharp contrast to the above reactions is the lack of public reaction to the reported cheating and academic corruption scandals at schools supporting big-time football and men's basketball programs, most recently at the University of Michigan, and, for that matter, with the smoldering crisis in America's system of higher education where the academic mission at many schools has been hijacked by the professional college sports entertainment industry.

Sad to say, the cheating and corruption that enables the NCAA cartel—the NCAA and its member institutions—to field professional teams and have their conferences serve as the minor leagues for the NFL and NBA, are rooted in the same types of cronyism and cozy relationships that have been instrumental in bringing about the headline crises of the day.<sup>3</sup> The cartel is a multi-billion dollar juggernaut that has conflicting interests as members serve as promoters of their professional sports businesses and enforcers of rules that can curtail the viability of these businesses. Worse yet, there is no meaningful oversight as the NCAA and its member institutions are not only self-reporting, self-regulating, and self-enforcing, but have also used cozy relationships to co-opt the supposed watchdog Knight Commission on Intercollegiate Athletics.<sup>4</sup>

The we-can-do-nothing attitude of the majority of the NCAA cartel's officials—including school presidents—as well as members of Congress and the administration have led to a collective complicity in an unheralded crisis in higher education. Where is the outrage?

**A NOTICEABLE LACK OF OUTRAGE** – There is certainly no outrage coming from the public that simply loves professional games no matter how corrupt their underpinnings. Also, the public is apparently overwhelmed by present-day disasters and crises with little time and energy to spend worrying about problems and issues that seem in no need of urgent resolution and none of their concern.

Entertainment provides welcome distractions from these mind-numbing disasters and crises. Besides, who cares about long-term consequences so long as the NCAA cartel provides exciting entertainment on par with this past season's popular reality TV dancing and singing contests?

**THE DRAKE GROUP** – As evidenced by its two open letters to the president and related follow-ups, members of The Drake Group have been working to get President Obama and his Administration to care as well.<sup>5</sup> The Drakes are continuing to keep the U.S. Department of Education, as well as the U.S. Congress, aware of related issues and the fact that without transparency, accountability and independent oversight, powerful governing board and wealthy boosters, as well as alumni and rabid fans, will continue to have their way with university presidents. Who can resist fame and the ocean of tax-free money?

President Obama and Education Secretary Duncan can learn much from the experiences of Mary Sue Coleman and R. Gerald Turner about the overwhelming forces that are brought to bear on university presidents to field winning teams. See the appended discussion.

**FUTURE OUTLOOK** -- Only time will tell if the government will continue to ignore global realities and stand idly by while letting big-time college sports programs continue to practice as they do today—compromising the educational, economic, and physical well-being of America.

Perhaps it will be the U. S. Department of Justice that will do what politicians are unwilling or unable to do. For example, the March 10, 2010, complaint in Case No. C 09-01967 CW, United States District Court, Northern District of California, Oakland Division provides a damning criticism of the NCAA and sets the foundation for a class-action lawsuit that could overhaul college sports in America.<sup>6</sup> A pending lawsuit brought against the NCAA—a merger of two different but related cases are direct attacks on the NCAA's business and the very definition of "amateur."

Hopefully, in years to come America's colleges and universities will not have morphed into subsidiaries of the entertainment industry and President Obama will not have to say, as he did during the oil-spill crisis: "In case you were wondering who's responsible, I take responsibility." By then it will be too late to make up the all too many years of lost time.

## APPENDIX: No Profiles in Presidential Courage

The following is an excerpt from Bob Gilbert's column for Wednesday, May 26, 2010:

MICHIGAN ADMITS CHEATING – Trying to head off even stiffer penalties by the NCAA, the University of Michigan has admitted a series of violations in its football program and has self-imposed some sanctions.

They include cutting back practice time by 130 hours the next two seasons, banning some staffers from practice, and a two-year probation.

Anonymous Michigan players revealed they were exceeding NCAA limits on practice and training time. The NCAA will be the final judge on punishment.

In 2002, it was clear that Michigan's basketball program was guilty of major violations. Michigan decided to impose its own sanctions on the program that November when, as a recently appointed president, Mary Sue Coleman and athletic director Bill Martin announced that the school was imposing sanctions of its own on the basketball program. Coleman described what happened as "wrong, plain and simple." She also said, "I am determined that nothing like this will ever happen again at Michigan."

Some might say it is ironic that a school that has become an example of the blatant hypocrisy surrounding higher education's college sports entertainment businesses and all that's wrong with win-at-any-cost big-time football and men's basketball programs, has a president that has been among the most outspoken of NCAA apologists.

It should come as no surprise that Coleman is a former member of the NCAA's Executive Committee and a trustee of the Knight Foundation—sponsor of the NCAA co-opted Knight Commission on Intercollegiate Athletics.

For additional insights see Tom Palaima's articles in which he exposes the NCAA tactic of blaming the faculty for the problems with college sports<sup>7</sup> and uses R. Gerald Turner, the president of Southern Methodist University and Knight Commission co-chair, as a salient example of hypocritical behavior.<sup>8</sup>

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## **Why the NCAA and the Knight Commission Miss the Seamy Side Of College Sports**

*Our guest author questions the credibility of the APR in light of the interests of conference commissioners, the NCAA and its member schools "to portray student-athletes as legitimate, degree-seeking students."*

*Frank G. Splitt, The Drake Group, 7-20-10*

**In his *Wall Street Journal* opinion piece, "Why the SEC Missed Madoff,"** Richard Sauer, a former attorney and assistant director with the SEC's Division of Enforcement from 1990 to 2003, tells how SEC enforcers are rewarded for the number of cases brought and for following political fashion.(1) Sauer also tells how stats are used to impress congressional appropriators. The piece provides valuable insights for those who are serious about college sports reform.

Sauer's piece brought to mind many things: a previous essay,(2) the lack of enforcement measures in the Knight Commission's latest recommendations,(3) the recent hoopla about the NCAA's revised APR stats,(4) well as enforcement and related issues discussed by Walter Byers in his 1995 tell-all book.(5)

Since it is in the financial interest of conference commissioners, the NCAA and its member schools—presidents, trustees, ADs, coaches, and boosters—to portray athletes as legitimate, degree-seeking students, they are likely to be quite forceful in the use of their influence and powers of intimidation to get what they want. What they want is the very best athletes—no matter how educationally and socially disadvantaged they may be and no matter related NCAA rules and Knight Commission recommendations. When speaking of NCAA rules, Byers, who served as NCAA executive director from 1951 to 1987, said "they are not meant for enforcing."

Besides the potential loss of big-money, there is a compelling need for some schools to report very high graduation rates to not only comply with federal requirements, but to also justify/rationalize their high-profile programs and their extraordinary investments in academic support center staffs and facilities. This combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. When reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates, Byers has said: "Believe me, there is a course, a grade, and a degree out there for everyone."

Walt Byers isn't the only author of book-length exposes on the seamy side of professionalized big-time college sports—there have been many others who have addressed the seamy side of college sports with its ocean of money, academic corruption, profligate spending, and the exploitation of college athletes by the NCAA and its member institutions under the sleeping eyes of the feds.(6-13) Their book titles tell stories that should command government attention—and there's more to come.

Recently, Ken Armstrong and Nick Perry, veteran newspaper reporters who shared in this year's Pulitzer Prize for breaking news, announced the forthcoming publication of their book that they say "is based on exhaustive investigative reporting that shows how a community's blind embrace of a football team compromised judges, prosecutors, police agencies, a proud university and the media."(14)

The authors also say the book "goes deep on what kind of education many football players received, using student transcripts and scholarship documents to show which classes athletes used to boost their GPAs and how the university managed to keep certain players on the team despite established patterns of criminal violence.

Weak enforcement of NCAA rules coupled with the absence of transparency, accountability, and independent oversight has been a key enabler for the professionalization and the sustainability of the seamy side of big-time college sports.

All of this has a decades-old ring to it. Again going back to Byers who said: "In fact, the rewards of success have become so huge, beneficiaries—the colleges and their staffs—will not deny themselves even part of current or future spoils. ... I believe the record now clearly shows the major hope for reform lies outside the collegiate structure. What the colleges will not do voluntarily should be done for them."

So The Drake Group continues with its effort to catalyze federal intervention to clean up the seamy side of big-time collegiate athletics.

## AFTERWORD

*Unfortunately, too many college presidents speak of integrity and athletics reform in public and play a game of Tammany Hall politics in private.—Walter Byers*

The foregoing commentary summarized messages aimed at updating Education Secretary Arne Duncan, as well as members of the U.S. Congress, on the realities of college sports reform.

It seems that school presidents, as well as NCAA and Knight Commission officials, are beyond embarrassment about the role they play in what is an unheralded national scandal. See Whitlock(15), Splitt (16), and Sander(17). Also see James Joy's letter in Appendix 2.

Deep insights into the corruption that lies at the foundation of the college sports entertainment industry are provided by these and the other cited authors.

The NCAA and the Knight Commission have no reason to change their modus operandi. Why change what works so well for them? Also, no one at the Knight Foundation seems to have heeded cautionary statements about presidential leadership as it would apply to its Commission on Intercollegiate Athletics.

It is difficult to imagine how government and Knight Foundation officials can continually ignore these insights. Perhaps it all comes down to an understanding related to the benefits of not investigating your employers---a painful lesson learned by former Big-Ten Commissioner Wayne Duke and others before him who tried to require their employers to live by the rules that these very same employers adopted and widely touted.

7-27-10

### **APPENDIX 1 – College sports reform goes beyond report**

*The Daily Herald*, Letter to the Editor, Submitted June 22, 2010, Published July 4, 2010

After several years of prodding and cajoling to get the Knight Commission to provide recommendations for college sports reform, it has finally done so ("Report: Colleges spend twice as much on student athletes," June 21, 2010). Not mentioned in the story was the fact that Education Secretary Arne Duncan supported the report with an official statement.

Also, the report says nothing about enforceable corrective measures and meaningful consequences for violations that are adequate to the task of cleaning up the seamy, secretive side of collegiate athletics with its profligate spending, tax-free revenues, academic corruption, and exploitation of college athletes.

The responsibility for reform is left to individual school administrations and governing boards with reliance on the same old voluntary toothless reform mechanisms that have proved to be utterly useless in terms of instituting meaningful reform measures, but quite useful for bamboozling government officials.

The report made no call for government help to bring transparency, accountability, and independent oversight to intercollegiate athletics since both the NCAA and the Knight Commission dread government intervention that appears to be the only mechanism that has a realistic chance of restoring academic primacy over athletics in higher education.

Unless and until there is direct government intervention via revised tax and privacy policies for athletics programs at educational institutions and federal court rulings against the NCAA, colleges and universities will continue to prostitute themselves while muddling on like drug addicts in a quest for fame and fortune with their professionalized football and men's basketball programs.

If the Knight Commission is truly serious about catalyzing reform, its co-chairs, William English Kirwan and R. Gerald Turner, would welcome a call from Secretary Duncan to lead by example—going beyond the noble rhetoric of their report and actually start working on a campaign to restore the balance between academics and athletics at their affiliated schools as well as show him what's actually being done and not done via quarterly progress reports.

Frank G. Splitt, Mount Prospect, Ill.

**APPENDIX 2 – College Presidents Unlikely to Reform Athletics**  
*The Chronicle of Higher Education*, Letter to the Editor, August 10, 2001

Like Louis's feigned shock in discovering that gambling was going on at Rick's (in *Casablanca*) as he receives his winnings from Rick's croupier, university presidents (on the Knight Foundation's Commission on Intercollegiate Athletics) decry the commercialization of college sports as they unabashedly peddle stadium-naming rights, concession rights, and clothing and shoe rights to the highest bidders ("College Presidents Urged to Take Control of College Sports," July 6). ... And we hardly need mention the efforts of their institutions to keep multimillion-dollar talents from the clutches of the National Football League or National Basketball Association, for the relative pittance of tuition and board.

No, if there is to be any reform in college sports, it will not be brought about by the presidents of our institutions. ... The Rev. Theodore M. Hesburgh's reference to those who "profess to be university presidents" suggests that many presidents are really not in charge of their institutions. The real decisions, which set priorities and establish institutional values, are made by unseen trustees and legislators who compose the lyrics for presidents to sing. The presidents are not looking so presidential in these times. ...James E. Joy Professor of Biology Marshall University Huntington, W.Va.

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## ***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.<sup>1</sup>

### **PROLOGUE**

When writing his *Wall Street Journal Main Street* column, "Giving Lousy Teachers the Boot,"<sup>2</sup> 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."<sup>3</sup> Apparently, this was a pickup on a tone-deaf White House that consistently panders to sports fans.<sup>4-6</sup>

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 Naftali Bendavid.<sup>7</sup> 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.<sup>8-9</sup> 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,<sup>10</sup> 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."<sup>11</sup>

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. She 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."<sup>12</sup>

### **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.<sup>13</sup> 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."<sup>14</sup>

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.<sup>15</sup> 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,<sup>1</sup> Mark Emmert, the NCAA's new president,<sup>16</sup> 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.<sup>17</sup>

### **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*<sup>18</sup> 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."<sup>19</sup> 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.'"<sup>20</sup>

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,<sup>21</sup> 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.<sup>22</sup> 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.<sup>23-25</sup>

Since there is much in our colleges and universities that is already amiss,<sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup> 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.

September 23, 2010

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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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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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## ***“Scoreboard, Baby Notwithstanding” . . . A Postscript***

*Our guest author explores the latest attempts to reform America's schools.*

*By Frank Splitt, The Drake Group, 10-12-10*

**Ken Armstrong**, co-author of *Scoreboard, Baby* commented: “Spreading the word about a new book can be a long and lonely journey.” I responded by saying: "Getting the people in Washington to not only read the book, but to also act on its findings is an even longer and lonelier journey." This postscript to “Scoreboard, Baby, Notwithstanding” (1) tells a bit more about the journey.

### **UPDATE ON MICHELLE RHEE**

The Democratic primary defeat of Adrian Fenty, by all accounts the most successful mayor in the history of Washington D.C., provides a good example of why members of the Congress are reluctant to question the NCAA about the justification for its tax-exempt status and haven't rallied behind 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.

Mayor Fenty who appointed and supported Michelle Rhee as chancellor for the D.C. public schools was ousted by voters after teachers unions campaigned hard against him in retribution for his efforts to reform D.C. schools. Rhee's retention along with her apparently successful reform agenda will now be up to a mayor beholden to the teachers' unions.

Rhee's reform agenda pushed the same changes embraced by “Race to the Top,” President Obama's and Education Secretary Duncan's signature education initiative; see Alex Wagner's report (2) that during an interview with Matt Lauer of NBC's "Today", President Obama made the case for nationwide public education reform, defending his administration's "Race to the Top" program, addressing charter takeovers of low-performing schools, and advocating for better teacher pay and benefits.

Perhaps President Obama and Education Secretary Duncan will walk their talk and use their influence to keep Rhee and her reforms in place. According to William McGurn, “...word is that Education Secretary Arne Duncan has been working behind the scenes to ensure Ms. Rhee stays on as chancellor, or that she is replaced by someone with equal commitment to reform. The fact, however, is that whatever magic Mr. Duncan may perform, ‘behind the scenes’ is no match for what his boss might do by speaking publicly.” (3) Hopefully, Fenty and Rhee have not adopted the approach of Sancho Panza, and just laugh at our stupidity—viewing the attempts to reform America's public schools and its ironies in dark, sardonic humor. Rhee's struggle to turn the D.C. schools around would make a great story on its own, but an even greater story if tied to the film documentary “Waiting for Superman”—Davis Guggenheim's call to action for America's public schools

### **GLOBAL REALITIES REVISITED**

The loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs has not gone unnoticed by America's Asian and Middle-eastern competitor

They have prioritized the education of their citizenry above all else as they build world-class universities with laser-like focus on academics, especially science, technology, engineering, and mathematics, rather than building facilities for the entertainment of spectators or the employment of 'student-athletes.'(4)

Additional insights for Secretary Duncan and his key staffers as well as for school and other government officials can be found in books by Fareed Zakaria (5) and Ben Wildavsky (6) who provide global perspectives to higher education. The authors set the tone for recent *Chronicle* commentaries by Clara Lovett, Kevin Carey, and Richard Eckman whose insights can be related to Zakaria's and Wildavsky's futuristic thinking. There is also a sports twist to each of the listed commentaries that is related to the "Global Realities" theme in the referenced "Sports in America" trilogy.

Zakaria begins his writing on today's era by saying: "This is not a book about the decline of America, but rather about the rise of everyone else"—describing a world in which the United States will no longer dominate the global economy, orchestrate geopolitics, or overwhelm cultures. He provides a framework for conversations on the new global realities with his focus on "the rise of the rest" and by claiming: "In the realm of economics, diplomacy, and culture, a multipolar world is already emerging, in which several players seek to develop alternatives to American models and values that do not meet their long-term needs."

After giving due credit to Zakaria, Lovett (7) says: "To remain global players, American business schools will have to develop alternatives to the academic models developed in Western Europe and the United States in the past couple of centuries." It can be argued that college sports entertainment—especially at schools supporting big-time football and men's basketball programs—is a major sector of the American economy and, since the advent of commercial TV in the 1950s, THE most quintessentially American component of academe. But by no means is it a leading export and a component of American higher education to be modeled. What does "the rise of the rest" mean for institutions that are so proud of their athletic accomplishments via-a-vis their school's academic status as "the envy of the world"?

With reference to Carey, (8) it is not likely that these proud institutions will be flattered by international emulation of their athletic prowess and related "booster subculture." Put another way, other nations are not expected to follow America's lead by warping their academic missions to accommodate sports entertainment businesses.

Eckman (9) argues that a growing number of colleges are being led by people who have never had direct experience in the heart of the academic enterprise—would that this was the only cause for the imminent crisis in college leadership. Consider that most, if not all, candidates for the presidency of schools supporting big-time football and men's basketball programs are people that must first pass muster with powerful athletics-boosting trustees if they are to get past their initial interview -- no matter how great their leadership qualifications. This imposes a limiting constraint on the size and quality of the leadership pool for these schools as well as a severe handicap as the schools must now compete in the post-American global marketplace for higher education.

Recent experiences provide insights into the complex new environment in which not only schools that tout their athletic accomplishments but also schools in general will function in the decades ahead. See Mangan. (10) Investing in attainment of superior athletic prowess and facilities does not bode well as a viable global business strategy in the post-American world.

America has the most to lose as it confronts new global realities with its institutional priority of athletics over academics—all the while handicapped by the public's continued obsession with sports

entertainment. America's present-day position does not present a pretty picture. What to do?

The schools might begin by listening to Lovett who says: "In the 20th century, the United States was the unchallenged leader in higher education, not only for the quality of its universities but also for access to higher education.... America's political and academic leaders blazed that historic trail in the 1960s and 1970s, reaping great social and economic benefits by doing so. There is exquisite irony in the fact that they must now learn from others how to redefine and pursue that very same goal in new ways. But learn they must."

Also, in a recent op-ed, (11) Rupert Murdoch touches most of the bases with reference to hidebound cultures and big-city schools: Education Secretary Duncan's "educationally stagnated" students, Davis Guggenheim's "Waiting for 'Superman'" documentary, and Michelle Rhee's plea for a stop to a teacher union's fight against reform. However, a larger perspective would have included post-secondary education where America's hidebound sports culture and powerful entertainment industry—including the NCAA, college conferences, as well as college sports broadcast networks—have contributed to the aforementioned loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs.

Paraphrasing Murdoch: It's time we stop playing power games -- and begin ensuring that every high school graduate who wants to enter a college or university has the academic wherewithal to do so and leaves with a real as opposed to a phony college education. If not opinion pieces like Murdoch's, revelatory books and commentaries, perhaps the "rise of the rest" and The Drake Group's determination and perseverance will help make a difference in the future course of America's schools of higher education.

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## AFTERWORD

Our journey on the path of reform of intercollegiate athletics has indeed been long, but it need not be lonely. Recent events may have opened a new path to reformers who are not ready to give up.

The reform movement that began with the work of the Knight Commission in the 1980s was predicated on strong presidential leadership at NCAA member institutions. *That* movement was already moribund in April of this year, when the NCAA signed a blockbuster contract with Turner Broadcasting/CBS for television coverage of the men's basketball tournament. CBS' spokesman waxed enthusiastic over expanded coverage of "marquee sports events," making no distinction between professional and collegiate teams. Turner Broadcasting's representative was equally sanguine about his company's "landmark acquisition." To my knowledge, no Division I university president voiced concerns publicly about the implications of the NCAA's latest Big Deal. Among the obvious implications are mounting pressure on collegiate teams to play more games, increased probability of serious injuries to athletes, and the flow of new resources to the NCAA empire.

Only a few days after the deal was announced, a moribund reform movement gave up the ghost when the NCAA's trustees chose Mark Emmert to head the Association. A talented, energetic, and highly regarded Division I president, Emmert personifies the reasons why the Knight Commission's approach to reform has failed. He and his peers have been willing enough to focus on "abuses" and "corruption" within the collegiate athletic enterprise and to address them through ever more intricate rules and regulations. But Emmert and other presidents active in NCAA circles have not asked those questions that *must* be asked in an era of shrinking resources and growing demand for higher education in the United States and of unprecedented global competition for talent (the intellectual, not the athletic, kind).

**Question #1** – Do elaborate and expensive intercollegiate athletic programs still belong at all in the universities of the 21<sup>st</sup> century. Young students, especially those at traditional residential colleges, could remain true to the Roman and English traditions – cultivate a sound mind in a sound body – by engaging in intramural competition or just by using the well-appointed exercise facilities that are available on most campuses.

**Question #2** – Do American universities still have an obligation, as most did a century ago, to provide free or low-cost entertainment for the surrounding communities? In 2010, most Americans live in urban areas, where sports fans can gather in stadiums, bars or private homes to cheer their favorite professional teams.

**Question #3** – At a time when most NCAA member institutions struggle to support their athletic programs, why are presidents still mired in an athletic arms race that only a few can survive? Put another way, why are presidents unable or unwilling to decouple the academic standing of their institutions from the athletic standing within the NCAA hierarchy?

The times call for a quite different reform movement, one that questions the system itself, instead of focusing on willful or unintended violations of the system's many rules. The presidents of NCAA member institutions will not be and cannot be the agents of systemic change. Their own preference, and that of most trustees and legislators to whom they are accountable, is to wait for colleagues higher up in the NCAA hierarchy to take the lead. Unfortunately, those colleagues, few in number but strong in prestige and resources, are precisely the ones who benefit from the status quo and see no reason to change it.

Does this mean that the long journey toward reform of intercollegiate athletics has come to an end? Not if we can mobilize a grassroots effort on the campuses of NCAA member institutions, starting with Division II and Division III members and with those Division I members that struggle to cover athletic budget deficits and to modernize dated sports facilities.

In this context, the Drake Group has a second chance to seize the moment. Working "bottom up," campus by campus, it can loosen and ultimately break the bonds of dated traditions and cultural norms that are draining institutional resources, skewing our leaders' priorities, and turning some of our most respected universities into farms for professional sports teams.

**Clara M. Lovett, President emerita, Northern Arizona University**

# PART 11: 2011

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# **Collegiate Athletics Reform: Signs of Hope**

## *A Collection of Commentaries*

*Prepared for Distribution at the April 20-22, 2011, Scholarly Conference on College Sport at the William C. Friday Center for Continuing Education on the campus of the University of North Carolina-Chapel Hill, Sponsored by the University of North Carolina at Chapel Hill's College Sport Research Institute*

**By Dr. Frank G. Splitt**

**April 18, 2011**

*Big-time college sports are all about entertainment – and, as the recent books remind us, no important constituency seems to care. Fans love such commercial spectacles, and alumni rank them among their most memorable college experiences. Faculty members are too preoccupied with research to give the decline of undergraduate education much thought. Powerful board members know that the classroom experience of athletes is far from ideal, but console themselves with the belief that the lessons learned on the court and playing field are more important anyway. Presidents generally acquiesce in the decisions of trustees and alumni.*

— Allen L. Sack, 2001

*Indisputably, sport is the finest, purest meritocracy, where performance is genuinely rewarded, fairly, at face value. The irony is that in college in America, sport is not fair, not democratic. Athletics is privileged, and athletes have come to form a mandarin class, where they play by different rules and thereby diminish the substance and the honor of education. That is the real March Madness, all year long.*

— Frank Deford, 2005

# PROLOGUE

The purpose of this sequel to “Collegiate Athletics Reform ... It’s a Long and Lonely Journey”<sup>1</sup> is to literally kick the hornet’s nest—not only to help enhance awareness of the academic decline in U.S. colleges and universities, but also to stimulate debate and prompt a more determined search for workable solutions and collaborative action to improve the quality of higher education—undermined by athletics priorities and ineffective K-12 education. Included are the following interrelated *College Athletics Clips* Guest Commentaries:

*Death Puts Focus on College Athletics, p. 4*

*Truth, Justice, and Reform in Collegiate Athletics, p. 6*

*Collegiate Athletics Reform: Looking to the Future, p. 8*

*NCAA President Emmert Holds to the Cartel's Party Line, p. 10*

*Collegiate Athletics Reform: Kicking the Hornet’s Nest, p. 13*

The concluding sentence on page 11 of the fourth-listed commentary states,

The current operating strategy on Capitol Hill appears to be to avoid doing anything that would provoke the NCAA by simply ignoring related problems and long-term impacts—letting the courts take the heat.

This statement triggered a question by one of America’s preeminent educators, to wit, “Is there life for collegiate athletics after Cam Newton, or is this the pits?” My response was that I did not mean to imply that there is no hope for collegiate athletics reform. On the contrary, as difficult as the journey may be, the reform movement is still quite alive—court cases are just one of multiple signs of hope for fixing collegiate athletics.

To be clear, no significant help is to be expected from members of Congress or the Department of Education beyond that already provided by U.S. Secretary of Education, Arne Duncan, who leveled some very critical remarks at big-time college sport at the 2010 NCAA National Convention, and Senator Charles Grassley who continues to be an abiding source of hope for reform. This hope involves the IRS’s stepped-up scrutiny of colleges and other nonprofits. The story began in 2004 when the Drakes kicked off their congressional initiative to make the continuation of the not-for-profit status of the NCAA cartel contingent on the disclosure of data on the academic performance of big-time college athletes.

In October 2006, Congressman William Thomas, chair of the House Committee on Ways & Means (HCW&M), pursued some of the Drake’s concerns by asking NCAA President Myles Brand to justify the NCAA cartel’s not-for-profit status. After Charlie Rangel (Thomas’ successor as chair of the HCW&M) dropped the matter, Senator Grassley continued to question the justification for the NCAA’s tax-exempt status when he held the Senate Finance Committee chairmanship and Dean Zerbe was his lead tax counsel.<sup>2-4</sup>

The stepped-up efforts by the IRS, prompted by Senator Grassley, have the potential to end government subsidization of professionalized and highly commercialized big-time college sports programs via unjustified tax breaks. These tax breaks have come to be viewed as entitlements by their recipients, namely the highly-compensated officials at the NCAA, conferences, and bowl-game organizations, as well as the wealthy donors to college and university athletics programs.<sup>5</sup>

The federal antitrust lawsuit against the NCAA, Electronic Arts, and others—captioned: “In re NCAA Student-Athlete & likeness Licensing Litigation in the District Court for the Northern District of California”—was strengthened with the announcement that basketball legend Oscar Robertson has added his name to the case, asserting that they licensed and profited from the use of his image without his consent.<sup>6</sup> A final ruling in favor of the plaintiffs could dramatically reshape the commercial relationship between the NCAA and its athletes ... athletes who are currently prohibited from receiving compensation tied to their performances. Many lawyers and legal scholars following the case say it could end up before the U.S. Supreme Court.<sup>7</sup>

Still another sign of hope comes in the form of the recent publication of a definitive article on academic corruption in collegiate athletics. The article should not only be of interest to Senator Grassley and his

colleagues on the Senate Finance Committee, but also of interest to officials at the U.S. Departments of Education and Justice, as well as to IRS officials who have responsibility for the compliance of nonprofits to the requirements of their tax-exempt status. The abstract of this revelatory article follows.

Corruption in college athletics is longstanding, systemic, worsening, oft-debated, and threatens the institutional integrity of higher education. The Buckley Amendment and its regulations shielded corruption in college athletics by prohibiting public disclosure of athletes' courses, instructors, and course grade-point averages. To expose the complicity of colleges and universities in the corruption of college athletics, we have previously recommended that Congress or the Department of Education amend the definition of publicly available "directory information" to allow institutions to make available to the public athletes' academic advisors, courses listed by academic major, general-education requirements, and electives (with the names of instructors and course grade-point averages). Until recently, neither Congress nor the Department of Education took any steps in line with these recommendations. The Department of Education, in a rulemaking change, recently clarified its prior regulatory guidance that redacted or "de-identified" student records are not protected by the Buckley Amendment or its regulations, so long as certain conditions for disclosure are satisfied. Even with the recent regulation changes, however, the problem of academic corruption in college athletics has gotten worse.<sup>8</sup>

On February 8, 2011, Allen Sack and Ramogi Huma, a former UCLA football player and president of the National College Players Association, testified at a potentially transformative Connecticut legislative hearing on Athletic Scholarships and Medical Expenses.<sup>9</sup>

The joint investigation by *Sports Illustrated* and *CBS News* covered in their March 2, 2011, report on criminals in college football<sup>10</sup> and Richard Vedder's related blog<sup>11</sup> provide additional exposure of the dark underbelly of the NCAA cartel's college sports entertainment businesses. The report coupled with all of the above certainly compounds the NCAA's legal problems. It was reported that NCAA President Mark Emmert told a CBS reporter that the results were "a set of facts that obviously should concern all of us." NCAA cartel officials, especially President Emmert, know that criminal behavior among football players is a serious problem.

Maintaining the status quo in the midst of serious problems, unprecedented controversy, and legal troubles requires not only strong executive leadership at the NCAA, but also consummate political skills and experience in dealing with similar situations. Emmert was a perfect fit for the NCAA presidency as he presided as the president of the University of Washington in the aftermath of well-publicized scandals. In fact, the university and its scandals were the subject of Ken Armstrong's and Nick Perry's Pulitzer-Prize-winning investigation of college football, crime, and complicity.<sup>12</sup> He is now highly compensated by the NCAA cartel for the challenging job of defending the status quo.<sup>13</sup>

Among other things, the job involves keeping secrets and damage control for exposed secrets<sup>14</sup>—resisting calls for transparency, accountability, and oversight that would not only expose its amateur student-athlete ruse, but also the whole of its operations to ever more intense scrutiny (by the media, Senator Grassley, and the Internal Revenue Service) as well. The job also involves resisting changes that would force the NCAA to realign big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport.<sup>15, 16</sup>

Echoing *Declining by Degrees: Higher Education at Risk*, "No longer can our colleges and universities be allowed to drift in a sea of mediocrity."<sup>17</sup> We all need to wake up and face reality; this nation cannot compete in the 21<sup>st</sup>-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities serve as prostitutes for the sports entertainment industry—focusing resources on athletics at the expense of academics. Also, although college-completion and graduation-rate goals stressed by President Obama and Secretary Duncan are certainly important, the quality of the educational process is absolutely critical. It makes no sense to increase graduation rates if the graduates have not responded to a challenge to engage in the serious process of personal and intellectual formation while learning how to work hard— learning what they need to learn and how to learn it.

The quality of higher education in America is declining relative to education in nations that prioritize academics over athletics.<sup>18</sup> America could very well be losing its economic and technological preeminence. If it keeps doing what it has been doing, it will not have the intellectual capital to address the major economic, health, environmental, and security issues facing our nation in the 21<sup>st</sup> century ... a century that is witnessing what Fareed Zakaria has termed the "rise of the rest." Given this scenario, proficiency in science, technology, engineering, and mathematics education may not even be required since America's best and most important future products will eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.

Lest the reform-minded become overly excited by the advent of signs of hope and over confident by the rash of troubles besetting the NCAA as well as in the logic of their arguments, they must be realistic. What the higher education establishment seems to do best is resist change. The new NCAA president has not only surrounded his office with competent tax and antitrust attorneys to defend the status quo, but has the resources—both financial and political—to wage long and costly court battles to stifle legislative reform initiatives and to exhaustively appeal court rulings. However, the most difficult impediments to reform are deemed to be the American public’s cultural propensity to value college sports entertainment no matter what the cost and the extraordinary amount of money lubricating the business at multiple levels. Why wake up and face reality? Given this circumstance, moving forward— while keeping reform alive and well—will require the utmost in patience and perseverance.

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# Death Puts Focus on College Athletics

## *College Athletics Clips Guest Commentary*

*Our guest author uses the accidental death of a Notre Dame videographer to illustrate the potential for a wide range of “collateral damage” associated with big-time college athletics.*

*By Frank Splitt, The Drake Group, 11-16-10*

The recent tragic death of Declan Sullivan, a student at Notre Dame University who worked as a videographer for the school’s athletic department, appears to be another example of collateral damage—putting focus on college athletics as well as on America's sports culture; see "Death puts focus on college athletics" and "The lessons from Declan’s death" on the following page.

Since deadly football violence triggered President Theodore Roosevelt’s intervention back in 1905, it seems that the immediate and long-term collateral damage related to the nether world of the athletics-entertainment businesses at America's colleges and universities has never exceeded the acceptance threshold of the general public or government officials.

Unfortunately, deaths aren't the only downside to professionalized and highly commercialized big-time collegiate athletics that must be balanced against its intensely promoted upsides. In fact, there's a myriad of potential downsides beyond deaths and serious injuries, to wit:

Many, if not most, big-time athletics programs are characterized by one or more of the following (usually interrelated) symptomatic signs of an athletics-over-academics culture and win-at-any-cost mentality at so-called “beer-and-circus” schools: academic corruption and reduced academic standards, “party-animal” students, negative peer effects, physical education resources focused on elite athletes who are financially exploited and educationally deprived, subsidization of the athletics department by general funds, irrationally exuberant behavior (by coaches, boosters, and fans), access denied real students by scholarship and special-admit athletes, intimidated faculty, use of PEDs (Performance Enhancing Drugs), violent and/or criminal behavior by athletes, dark-money payoffs, lying and cheating by million-dollar coaches and wealthy boosters, and big-money shoe contracts. Headline scandals and blatant hypocrisy, along with complicity and cover-ups by school and public officials, are fairly commonplace.

Consider James Michener's perspective on America's sports culture—provided in his blockbuster 1976 bestseller, *Sports in America*:

Football has been so enshrined as a spectator sport, both in college and professionally, that it would be impossible for revisionists to alter it without protests of an almost revolutionary character. As long as the deadly violence does not accelerate, football is in no danger of discipline from without, and it is my own sad guess that deaths could triple or quadruple without much outcry.

Michener believed football is the American form of violence that is morally sanctioned by the public. So too, collateral damage and bad behavior are either overlooked or simply given a headline for a day and a passing glance by the public. Incidents are soon forgotten. In effect, collateral damage and bad behavior are legally and morally sanctioned by the American public. It's a price Americans seem willing to pay for their entertainment. So, is it any wonder that elected officials treat serious reform—such as requiring compliance to measures of transparency, accountability, oversight, and enforcement—as political suicide?

For more, see "Collegiate Athletics Reform ...It's a Long and Lonely Journey," [http://thedrakegroup.org/Splitt\\_Journey.pdf](http://thedrakegroup.org/Splitt_Journey.pdf).

**POSTSCRIPT:** AP Sports Writer Tim Korte's column about ND's Sun Bowl victory over Miami carried a disturbing, easy- to-misinterpret headline, "Irish Future? Looking bright" [*Daily Herald*, Jan. 1, 2011]. Unfortunately, all too many still believe ND's future is vested in its football program. The perpetuation of this notion, in light of the deaths of Declan Sullivan and St. Mary's College student Elizabeth Seeberg, must be anguishing to the Rev. Theodore M. Hesburgh who, during his tenure as ND president, worked hard to shed ND's image as a “football factory” while developing it as a world-class university. In any case, Sullivan's death provides ample evidence that the collateral damage schools appear willing to accept can go far beyond embarrassment and warping of their academic standards.

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## **Death puts focus on college athletics**

*The Daily Herald* | Article submitted: 11/06/2010 09:57 PM | published: 11/13/2010 10:30 AM

Re: Bob Susnjara's Nov. 6, front-page story "ND president on Declan Sullivan: 'We failed to keep him safe'," it is troubling to think that this tragic incident could very well be still another manifestation of the athletics-over-academics culture and win-at-any-cost mentality that prevails at colleges and universities supporting big-time football and men's basketball programs. Poor judgments can be made as administrators and coaches strive to improve their teams' competitive edge, especially when their teams are not living up to the winning expectations of rabid fans, wherever they may be.

The pressure to win at Notre Dame is almost beyond belief. Coach Brian Kelly certainly does not want to be the next Tyrone Willingham terminated by a small group of trustees and university officials, prompting then President Fr. Edward Malloy to say he was "embarrassed to be president of Notre Dame." This action allowed the university to quiet rabid fans and alums that were threatening to withhold contributions as well as hire a new pro-level coach. The expectation? An accelerated return of Notre Dame's football program to national prominence and really big money.

Troubling as well was the selection of Dr. Peter Likins, former president of the University of Arizona, to provide an external review of Notre Dame's internal inquiry to ensure that it has been thorough, unbiased and accurate. Dr. Likins brings numerous credentials to his assignment, but unbiased? Likins was the 'go-to' person for the former NCAA president (the late Myles Brand) serving as an ardent apologist for the NCAA cartel's money-making businesses in the commercialized and professionalized sports entertainment industry.

Frank G. Splitt  
Mt. Prospect

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## **The lessons from Declan's death**

*The Daily Herald* | Article updated: 11/6/2010 08:52 PM | published: 11/6/2010 05:35 PM

By the Daily Herald Editorial Board

"Gust of wind up to 60 mph well today will be fun at work... I guess I've lived long enough :-/"

Declan Sullivan's words, posted on Facebook and Twitter, proved to be poignantly and tragically prescient, as most readers know by now.

"Work" was video recording Notre Dame University football practice from atop a hydraulic scissor lift. An hour and a half after that posting, and after another one that noted, "This is terrifying," the lift toppled in wind gusts as strong as 51 mph. Declan, a 20-year-old junior from Long Grove and a graduate of Carmel High School in Mundelein, was thrown to the ground and killed.

Whether the posts showed true fear or just wry sarcasm, as some of his friends have said, doesn't change the question of why a young man would be on a mobile tower that could rise as high as 50 feet during an unusual windstorm that by then had been forecast for days.

Declan's death is under investigation and little has been publicly said about how that afternoon unfolded on the Notre Dame football field, yet it's easy to imagine a scenario where no one told him to get up on the tower despite the wind, but no one told him not to. It's clear that at the very least, those in charge failed to order him down as winds topped the safety limits set for the lift.

It's our misfortune that we didn't know Declan, an admirable young man by all reports. Yet we've seen, it's often the nature of a highly motivated student in a highly selective college to go the extra mile, get the job done, and make his mark.

And it's the nature of a big-money college football program and a high-profile new coach to push forward, mold an unbeatable offense, take no account of the weather.

When those traits collide, the result can be tragedy.

It's telling that Declan's first posting to his friends assumed he'd be on the tower that day, in the full force of the wind.

One obvious lesson: In a hard-charging atmosphere that gives no glory to the cautious, people in responsible positions must be held specifically accountable for putting on the brakes. That's especially true if they're in charge of students.

And we need to make sure young people who aren't always predisposed to taking the safe route know that they are asked to listen closely to their inner misgivings and act on them. They need to be shown that they won't be counted out of the game if they raise questions of safety to their bosses, not just to their Facebook peers.

On Friday, the president of the university acknowledged that the school is responsible for failing to protect Declan and causing his death.

The Rev. John Jenkins also promised change and brought in consultants to help with it. That change must come to more than a new policy in a handbook. Safety must take precedence over the next football game. It must be first in everyone's mind.

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# Truth, Justice, and Reform in Collegiate Athletics

## *College Athletics CLIPS Guest Commentary*

*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]

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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](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.

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# Collegiate Athletics Reform: Looking to the Future

## *College Athletics CLIPS Guest Commentary*

*The execution of meaningful reform measures is not amenable to easy steps. It may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts.*

By Frank G. Splitt, The Drake Group, January 11, 2011

**Sally Jenkins penned** the latest appeal to college and university presidents to reform college sports via the following “six easy steps:”<sup>1</sup>

1. Cut the number of football scholarships from 85 to 70.
2. Cap the salaries of coaches and suspend them if they get caught cheating; also, pass a two-strike rule for illegal recruiters: First strike earns a suspension; second strike, you surrender any claim to being an educator.
3. Make freshmen ineligible.
4. Reduce the regular season from 12 games to 10 games.
5. Abolish the Bowl Championship Series.
6. Toughen punishments on players who accept money and agents who offer it to them.

Jenkins says all of these proposed reforms have one thing in common: “They need strong-minded administrators willing to enact them.” The Drake Group has advocated similar reform measures over the past several years<sup>2,3</sup> with little if any results. Strong-minded administrators are few and far between. The presidents on the NCAA’s Executive Board serve as NCAA cartel’s apologists as do the current Knight Commission co-chairs. All presidents serve at the behest of their schools’ governing boards which are, in turn, most often led by wealthy sports boosters.

Powerful insights into the inability of presidents to institute reform were provided long ago by Murray Sperber who concluded the last chapter of his book *College Sports Inc.*<sup>4</sup> (titled “The College Presidents Try to Reform the NCAA”) with this prescient statement:

Whether the presidents’ tepid cuts of 1990 will survive this (NCAA) convention is conjectural; whether, in future years, the Presidents’ Commission can institute real reforms, such as rules to end the financial and academic fraud in College Sports Inc., is about as likely as pigs slam dunking basketballs.

In the same chapter, Sperber gives an account of the mid-1980s presidential reform effort that reveals how the NCAA can literally manhandle distinguished, well-intended presidential reformers so to protect their vested interests.

I believe the same can be said of Department of Education officials, as well as elected government officials in the Congress and state houses -- all have a vested interest in maintaining the status quo so as to protect their jobs. Sadly, some of these officials seem to go out of their way to pander to sports fans.

Although faculty and faculty organizations, such as the Coalition on Intercollegiate Athletics (COIA) and The Drake Group (TDG), do not have vested interests in maintaining the status quo, occupy the moral high-ground, and have repeatedly advanced compelling arguments as well as strategies for reform, they do not have the wherewithal—financial resources and unified leadership—requisite to the institution of real reform.

More specifically, the COIA and TDG organizations do not as yet have robustly viable constituencies with the capacity to effectively force collegiate athletics reform. Not only are college and university faculty reluctant to actively participate in reform movements, but the same can also be said of the American public that is seemingly addicted to college sports entertainment. Furthermore, faculty, the public, and their representatives in government act as if they do not have a clue as to the long-term negative consequences of this addictive behavior on America’s system of higher education as well as on its leadership position on the world stage.

The NCAA cannot be expected to implement meaningful reform. Over the years, the NCAA has resisted reform efforts that would help realign big-time college sports with its stated mission of maintaining athletes as an integral part of the

student body and retaining a clear line of demarcation between collegiate and professional sport. On the contrary, the NCAA has made a number of rule changes that have emphasized athletics over academics so as to move their D-1A football and men's basketball programs to professional levels.<sup>2</sup>

More specifically, the NCAA has resisted providing college athletes meaningful opportunities to function as real students by: a) not restoring first-year ineligibility for freshmen with expansion to include transfer athletes; b) not reducing 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; c) not restoring multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance.<sup>5</sup>

It is most likely that real reform will come via the courts. As Ron Smith reminds us,<sup>6</sup>

The two major college athletic reforms of the 20th century were done by legislation or the courts. Bringing in women to a more equal status was from federal legislation (Title IX), and bringing in African Americans to greater equality came from federal courts (*Brown v. Bd. of Education*) and the 1960s Civil Rights legislation.

The NCAA cartel has the wealth and political power to stifle reform efforts in Washington as well as co-opt (originally) well-intentioned reform commissions/organizations and most of the media. TDG's and COIA's resources have been no match for the formidable economic, political, and legal forces that the NCAA cartel has mustered to defend the status quo. When coupled with extant greed, corruption, incompetence, deceit, and denial, these forces have impeded significant corrective action in big-time collegiate sports reform—this, no matter how eloquent and lofty-sounding the warnings, pleas and rhetoric about the need for change.

That is not to say that TDG and COIA should give up on telling the truth to the Congress and the Department of Education, but should recognize that there is an intrinsic relationship between wealth and power in the American culture—especially political power.

So, in the end, 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.<sup>7</sup>

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2. Splitt, Frank G. “Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process” NOTE 17, November 2007, [http://www.thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary\\_IRS.pdf](http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primary_IRS.pdf)
3. \_\_\_\_\_, “A Common Sense Approach to Recruiting Academically Disadvantaged Athletes,” Jan. 2008, [http://thedrakegroup.org/Splitt\\_Common\\_Sense\\_Approach.pdf](http://thedrakegroup.org/Splitt_Common_Sense_Approach.pdf)
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5. Currently, an athletic scholarship is an agreement between athlete and coach/athletic department, renewed based on ATHLETIC performance), or, replace athletic scholarships with need-based scholarships—agreements between a student and the institution based on academic performance. If the scholarship is need based, it will be awarded by the institution—just as the institution awards all other need-based aid—in that case, it does not need to be a five year award as students will continue to receive their need-based aid, even if they leave the team. A strong case for switching to need-based aid as the only way to break the cycle of sponsoring professional teams on college campuses is made by John Gerdy in his most recent book, *Air Ball: American Education's Failed Experiment with Elite Athletics*; and d) Require athletes to honor the terms of their multiyear athletic scholarship with appropriate penalties to the school and athlete for broken commitments such as 'one and out' to the NBA.
6. Smith, Ronald A., *Pay for Play: A History of Big-Time College Athletic Reform*, University of Illinois Press, 2011.
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# NCAA President Emmert Holds to the Cartel's Party Line

## *College Athletics CLIPS Guest Commentary*

*The NCAA continues to resist reform efforts that would help realign big-time college sports with its stated mission. This modus operandi gives rise to a number of questions that literally scream for candid answers.*

*By Frank G. Splitt, The Drake Group, January 21, 2011*

**Mark Emmert's comment**, "Student-athletes are students. They're not professionals. And we're not going to pay them. And we're not going to allow other people to pay them to play" was quoted by David Moltz in his report on Emmert's keynote address at the 2011 NCAA Convention.<sup>1</sup>

Emmert appears to be holding to the NCAA's party line that has been characterized by frequent mention of mythical "student-athletes," the denial of its responsibility for the professionalization of big-time collegiate athletics—with its emphasis on revenue generation that not only fosters corruption but also compromises academic integrity—and the use of wealth and power to maintain its stranglehold on America's colleges and universities.<sup>2</sup> Here's the story:

**Student-Athletes?** – As the co-chairs of the Knight Commission were reminded in 2008, the NCAA's bedrock principles of amateurism—which required colleges and their business partners to treat athletes like other students, and not as commodities—were undermined long ago by unrestrained commercialism and related academic corruption.<sup>3</sup>

**Wealth and Power** – There is an intrinsic relationship between wealth and power in the American culture—especially political power. The NCAA cartel has the wealth and political power to stifle reform efforts in Washington as well as those of reform-minded school presidents and their appointed Faculty Athletic Representatives, to co-opt (originally) well-intentioned reform commissions/organizations, and to influence most of the media.

The resources of national, reform-minded faculty organizations such as The Drake Group (TDG) and the Coalition on Intercollegiate Athletics (COIA) have been no match for the formidable economic, political, and legal forces that the NCAA cartel has mustered to defend the status quo along with its amateur, student-athlete ruse. When coupled with extant greed, corruption, incompetence, deceit, and denial, these forces have impeded significant corrective action in big-time collegiate sports reform—this, no matter how eloquent and lofty-sounding the warnings, pleas and rhetoric about the need for change.

**Look to the Courts** – As stated previously,<sup>4</sup> although TDG and COIA should keep telling the truth to the Congress and the Department of Education, it must be recognized that it may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts. Examples can be found in the March 10, 2010, Consolidated Amended Class Action Complaint captioned: "In re NCAA Student-Athlete & likeness Licensing Litigation in the District Court for the Northern District of California"<sup>5</sup> and in the *Agnew vs. NCAA* case in which Joseph Agnew, a former Rice University football player, is suing the NCAA over its policy to limit athletic scholarships to one-year renewable awards.<sup>6</sup> Nevertheless, vexing questions still loom large.

**Seven Questions** – In his keynote address, Emmert defended the NCAA's handling of recent high-profile football violations at Auburn and Ohio State universities, saying it must clarify its "values" and rulebook. Speaking to reporters after his keynote address, Emmert said the following:

Behaviors that undermine the collegiate model, wherever they occur, are a threat to those basic values, and we can't tolerate them, if we believe in those values ... we need to be ready to defend them. And if we don't, then we have to be ready to suffer the criticism that comes from not doing so.

Emmert's statement prompts several questions:

1. What is the NCAA's current collegiate model?
2. How does this model square with actual practice?
3. Why has the NCAA resisted reform efforts that would help realign big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport?

4. Why has the NCAA made a number of rule changes that have emphasized athletics over academics, thus moving their big-time football and men's basketball programs to professional levels?
5. Why has the NCAA resisted reforms that would provide college athletes meaningful opportunities to function as real students by failing to restore first-year ineligibility for freshmen with expansion to include transfer athletes; reduce 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; and restore multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance?<sup>7</sup>
6. Why should the federal government subsidize the athletic activities of educational institutions when that subsidy is being used to help pay for escalating coaches' salaries, costly chartered travel, and state-of-the-art facilities?<sup>8</sup>
7. Why has the NCAA resisted calls for transparency, accountability, and oversight?<sup>9</sup>

Surely, Senator Chuck Grassley (R-IA) and other members of the Senate Finance Committee, officials at the Department of Education, and members of serious reform-minded organizations, as well as American taxpayers, ought to be interested in the answers to the above questions.

There should be little wonder why these questions are not being asked by officials at the U.S. Department of Education, members of Congress, and the media. First, experience indicates that the NCAA answers to no earthly power—least of all Washington officials. Second, who would want to seek truthful answers that could demand action and confrontation with the NCAA cartel backed by all of its financial, legal, and political resources—not to mention facing the wrath of sports fans who have become accustomed to being entertained by professionalized college athletes? The current operating strategy on Capitol Hill appears to be to avoid doing anything that would provoke the NCAA by simply ignoring related problems and long-term impacts—letting the courts take the heat.

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9. Without transparency, oversight and accountability mechanisms, the government and others must trust schools that, in many instances, give every appearance of not only being secretive, but untrustworthy as well. See "Time for accountability in sports," November 18, 2008, [http://www.thedrakegroup.org/Splitt\\_Time\\_for\\_Accountability.pdf](http://www.thedrakegroup.org/Splitt_Time_for_Accountability.pdf) and "The TAO of College Sports Reform Transparency, Accountability, and Oversight," [http://www.thedrakegroup.org/Splitt\\_TAO.pdf](http://www.thedrakegroup.org/Splitt_TAO.pdf)

## Appendix: Sean Gregory on an American taxpayer rip-off

No time to read *Death to the BCS* book? To get a good look at how nonprofit Bowl organizations rip-off American taxpayers, consider Sean Gregory's take on the BCS Bowls that is based on the book.

Gregory opens his January 10, 2011, *Time Magazine* article, "Fat-Cat Football," by asking the question, "Who wants to keep the college-football bowl system intact?" He answers his question with, "The guys running the games," and then

goes on to elaborate as follows:

If you need one more reason to despise the college football bowl system — as if depriving fans of a real playoff to determine a true national champion isn't enough — check out the salaries of bowl CEOs.

While universities and athletic departments across the country have had to slash budgets — even entire sports — because of the harsh economy, bowl directors are earning more than \$300,000 for games that last all of four hours, tops.

Keep in mind that most of the bowls are tax exempt non-profits and that these games do relatively little to help decide a national champion. Instead, the much reviled Bowl Championship Series (BCS) relies on a confounding mix of human voting and fuzzy computer math to determine which two teams will square off in the final. A new book, and a report from a political action committee that's trying to change college football, has tied together the college bowl system and excessive executive pay to give us all more reason to be irked. The book, *Death to The BCS* — which, despite its hyperbolic title, offers the most thoroughly researched, reasoned, and readable argument for a college football playoff to date — digs into federal tax records and says that in 2007, nearly two dozen bowl directors earned more than \$300,000.

A report from the Playoff PAC, a Washington-based BCS-opposition group supported by some members of Congress, puts CEO pay in some additional perspective. John Junker, CEO of the Fiesta Bowl, made \$592,418 in total compensation in fiscal 2009, while Paul Hoolahan, who runs the Sugar Bowl, got \$645,386. The report, *Public Dollars Serving Private Interests: Tax Irregularities Of Bowl Championship Series Organizations*, cites a compensation survey from the *NonProfit Times* showing that nonprofits with budgets comparable to the Fiesta and Sugar Bowls pay their CEOs, on average, \$185,270.

TIME asked to speak to the directors of five bowls — the Sugar, Fiesta, Cotton, Alamo, and Kraft Fight Hunger — in order to get a sense of what they do to earn that money. Only one, Kraft Fight Hunger Bowl executive director Gary Cavalli, agreed to an interview, via email. He described his responsibilities in a list with 35 bullet points, which included tasks like soliciting sponsors, negotiating contracts with sponsors and television partners, managing bowl-week volunteers and arranging the halftime entertainment. He also noted that his organization has only two full-time employees, so the bulk of the logistical work falls to him.

To justify their mondo salaries, bowl executives cite studies that quantify the economic impact of their respective games. For example, a report prepared by a University of New Orleans economist found that the 2010 Sugar Bowl generated \$137 million for New Orleans via spectators' meals, hotel rooms and shopping. But would having a lower paid (and perhaps less motivated) executive result in fewer people traveling to the city or fans spending less money there? "Lower executive salaries wouldn't change the economic impact one iota," says one prominent sports consultant who has worked first hand with bowl executives. "The idea that it would is laughable."

Indeed, to many fans watching boring matchups, the whole bowl system is a joke. And the CEOs are laughing all the way to the bank.

# Collegiate Athletics Reform: Kicking the Hornet's Nest

## *College Athletics CLIPS Guest Commentary*

*Our guest author warns that our nation is at risk, stating: "The academic decline of America's colleges and universities—undermined by athletics priorities over academics and ineffective K-12 education—threatens its economic and technological preeminence."*

*By Frank G. Splitt, The Drake Group, 02-28-11*

**Steven Salzberg** kicked the proverbial hornet's nest with his recent blog, "Get Football Out of Our Universities," much like Lisbeth Salander, the computer-savvy protagonist in the last book in Steig Larsson's best-selling trilogy.<sup>1</sup> The provocatively titled blog and the comments thereon tell a sad story about the decline of higher education in America.<sup>2</sup>

Salzberg, a professor of computer science and director of the Center for Bioinformatics and Computational Biology at the University of Maryland, joins the all too few faculty members brave enough to suffer the antagonisms and retributions that come from speaking truth to the athletic powers that be on and beyond the campus.

The blog evoked several stinging comments by defenders of highly commercialized and professionalized big-time collegiate athletics as well as reinforced comments by Salzberg supporters. My own comments were in support of Salzberg's arguments, but to clean up and reform rather than to get football out of our universities.

Salzberg stated: "College football programs lose money, except for a small minority of very successful ones." Few schools supporting big-time football programs make money even though they are government subsidized and exploit unpaid professional athletes.<sup>3</sup> The real money is being made by the fat-cats: NCAA cartel officials, coaches, athletic directors, conference commissioners, and bowl directors. For example, the nearly two dozen directors of this past season's nonprofit bowls earned more than \$300,000 a year.<sup>4</sup>

However, this taxpayer rip-off is simply an outward manifestation of America's cultural values and its failing education system.<sup>5</sup> It also illuminates the reluctance of government officials to eliminate this popular but nevertheless unofficial entitlement program despite the nation's fiscal crisis and historic budget deficit.

**Academically Adrift** – It is not surprising that skepticism has emerged around the book, *Academically Adrift: Limited Learning on College Campuses*, by Richard Arum and Josipa Roksa as well as about the authors' conclusion that students are not learning very much in college.<sup>6</sup>

There should be no doubts about the author's basic conclusion—it's the reason why schools have resisted learning-outcome assessments and why the NCAA cartel is quick to seek refuge in FERPA, the Family Educational Rights and Privacy Act, when asked to answer questions relating to the education of college athletes who are generally academically adrift. Who wants to reveal the fact that they are not doing a very good job at what they are supposed to be doing? Just imagine the blowback from tuition-paying parents, government funding agencies, and our nation's taxpayers—not to mention the Internal Revenue Service.

Also, it should not be surprising that the academic establishment would find faults of one kind or another with the study methodology so as to deflect attention away from the authors' disturbing conclusions. Perhaps doubters have a point when they claim that the Collegiate Learning Assessment measure used by the authors limits the merit of the study. However, the gloomy picture of America's education system is by no means new. Here's why.

**Beer and Circus** – In his book, *Beer and Circus*, Murray Sperber argues that schools are substituting a party-like, "beer and circus" social environment for a meaningful education—an environment that serves to keep students happy, to marginalize faculty, and to maintain an ongoing flow of evermore tuition dollars.<sup>7</sup> *The New York Times Book Review* read: "It is hard to read Sperber's book without having a sinking feeling about the future of American culture. He has managed to document our national decline in painstaking detail."

We can have the same sinking feeling after reading *Academically Adrift* wherein the authors provide data to back their observation: "Growing numbers of students are sent to college at increasingly higher costs, but for a large proportion of them the gains in critical thinking, complex reasoning and written communications are exceedingly

small or empirically nonexistent.” This observation certainly supports Sperber’s earlier condemnation of higher education. One would expect to see an even larger proportion of no gains associated with cohorts of athletes from schools that effectively prioritize athletics over academics. Many of these academically-adrift athletes will graduate—credentialed by their schools for participating in diploma-mill-like, eligibility-oriented, general studies programs.

With the notable exception of STEMs majors (science, technology, engineering, and mathematics) as well as law, medicine, and other majors subject to rigorous accreditation practices, students are not generally required to work hard to learn what they need to learn and how to learn it. Not requiring really hard work discourages class attendance by serious students, encourages laziness and the adoption of a beer-and-circus mentality.

**What Others Have Said and Are Saying** – To be sure, Murray Sperber is not the only academic to level criticism at the current state of higher education in America. Although authors of *Academically Adrift* do not reference Sperber, they do reference Derek Bok on several occasions. Bok, the 300th Anniversary University Professor and former President, Harvard University, has used much kinder and gentler language in making many of the same points that were made by Sperber in *Beer and Circus*.<sup>8</sup>

Jim Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, worked in multiple domains of higher education and was a member of the Secretary of Education's Commission on the Future of Higher Education. In his October 2000, remarks to the Knight Commission on Intercollegiate Athletics he said: “Big-time college sports do far more damage to the university, to its students and faculty, its leadership, its credibility, than most realize—or at least are willing to admit.” His writings piqued my interest in the problems in higher education, especially in the areas of collegiate athletics and reform.<sup>9</sup>

Murray Sperber, Frank Deford, Gene Maeroff, James Fallows, Jay Mathews, Vartan Gregorian, Carol G. Schneider, and others, contributed to a book edited by Richard Hersh and John Merrow that aimed to provide a look at the declining state of higher education in 2005.<sup>10</sup> A related *PBS* documentary aired in 2005.<sup>11</sup> The avowed purpose of the book and documentary was to sound an alert and encourage a national conversation about higher education: “No longer can our colleges and universities be allowed to drift in a sea of mediocrity.” The synopsis of the program began by saying, “At a time when a college education is vital to an individual's future and our nation's economic standing in the world, ‘Declining by Degrees: Higher Education at Risk’ explores the simple yet significant question: What happens between admission and graduation? The answer: often not enough.”

Robert Zemsky, a long-time leading voice for higher education and a member of the Spellings Commission, commented on both the documentary and the book in his own 2009 book.<sup>12</sup> He said: “the volume of essays didn’t hold together, it was not compelling television, nor was it the ringing indictment of higher education Hersh and Merrow promised in their introduction. As an opening shot in a crusade, *Declining by Degrees* fizzled. As a harbinger of things to come, it was to prove an important artifact.” Like beauty, the value of *Declining by Degrees* is dependent on the eyes of the beholder. Readers of Zemsky’s book will see that The Drake Group continues to act contrary to the number-one item on Zemsky’s “don’t-do” list that states: Don’t Try to Reform the NCAA’s Big Money Sports.

On February 15, 2011, at the two-day Education Summit in Denver, Education Secretary Arne Duncan chastised teachers and their bosses in equal measure. Thousands of educators were told that the nation’s schools are in deep trouble, that bickering among teachers, politicians and administrators is sinking efforts to improve education, that one in four American students fails to complete high school, and that the U.S. is falling behind on college graduation rates. “Collectively you have the power to stop our nation’s educational demise, Duncan said.

Most recently, William Pannacker, writing under the pen name of Thomas H. Benton, supported the authors of *Academically Adrift* as he surveyed “the wreckage in undergraduate education from a teacher’s point of view” — listing several clusters of concerns why professors have little control over what students can learn.<sup>13</sup> “Students are adrift almost everywhere, floating in the wreckage of a perfect storm that has transformed higher education almost beyond recognition,” says Pannacker who also raised an obvious question for President Obama: “What good does it do to increase the number of students in college if the ones already there are not learning much?”

College-completion and graduation-rate goals stressed by President Obama and Secretary Duncan are certainly important but the quality of the educational process is absolutely critical.<sup>14</sup> It makes no sense to increase graduation rates if the graduates have not responded to a challenge to engage in the serious process of personal and intellectual formation while learning how to work hard as they learn what they need to learn and how to learn it.



**Concluding Remarks** – We all need to wake up and face reality; this nation cannot compete in the 21<sup>st</sup>-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities serve as prostitutes for the sports entertainment industry—focusing resources on athletics at the expense of academics.

The quality of higher education in America is declining relative to education in nations that prioritize academics over athletics. America could very well be losing its economic and technological preeminence. If it keeps doing what it has been doing, it will not have the intellectual capital to address the major economic, health, environmental, and security issues facing our nation in the 21<sup>st</sup> century ... a century that is witnessing what Fareed Zakaria has termed the "rise of the rest." Given this scenario, proficiency in science, technology, engineering, and mathematics education may not even be required since America's best and most important future products will eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.

Considering all of the above, it is easy to understand why Robert Zemsky made a case for transforming American higher education in *Making Reform Work*. He offered a compelling, well-thought-out, account of what needs changing in America's system of higher education along with tightly-focused strategies for change. This is a must-read for all engaged in collegiate athletics reform and want to help kick the hornet's nest.

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Also see Merrow's story about the undergraduate experience, "Survival of the Fittest," *The New York Times*, April 24, 2005, [http://www.nytimes.com/2005/04/24/education/edlife/merrow24.html?\\_r=1](http://www.nytimes.com/2005/04/24/education/edlife/merrow24.html?_r=1)  
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14. The situation is akin to that of the company president who lays the foundation for increased sales revenues by pushing sales of poor-quality products—all but guaranteeing significant long-term losses that cannot be made up on volume—bringing to mind the parable of the wise and foolish builders. It would seem that America's political leaders are unaware of the quality lessons taught by William Edwards Deming and Joseph M. Juran ... lessons that could form the basis for a new quality-centered paradigm for higher education in America. For examples, see "The W. Edwards Deming Institute®," <http://deming.org/> and <http://www.lii.net/deming.html>.

## Appendix: 'Academically Adrift' in a Sea of Sports

*The Chronicle of Higher Education*, Letters to the Editor, March 8, 2011

To the Editor:

You report that doubts have been raised about study behind *Academically Adrift: Limited Learning on College Campuses* ("Scholars Question New Book's Gloom on Education," *The Chronicle*, February 13). Perhaps doubters have a point when they claim that the Collegiate Learning Assessment measure used by the authors, Richard Arum and Josipa Roksa, limits the merit of the study. However, the gloomy picture on education should not be surprising. Here's why.

In his 2000 book, *Beer and Circus: How Big-Time College Sports Is Crippling Undergraduate Education*, Murray Sperber argues that colleges are substituting a partylike, "beer and circus" social environment for a meaningful education—an environment that serves to keep students happy, to marginalize faculty, and to maintain an ongoing flow of evermore tuition dollars. *The New York Times Book Review* said: "It is hard to read Sperber's book without having a sinking feeling about the future of American culture. He has managed to document ... our national decline in painstaking detail."

We can have the same sinking feeling after reading *Academically Adrift*, in which the authors provide data to back the observation that "Growing numbers of students are sent to college at increasingly higher costs, but for a large proportion of them the gains in critical thinking, complex reasoning, and written communications are either exceedingly small or empirically nonexistent." This observation certainly supports Sperber's earlier condemnation of higher education.

One would expect to see an even larger proportion of no gains associated with cohorts of athletes from schools that effectively prioritize athletics over academics. Many of these athletes will graduate—credentialed by their schools for participating in diploma-mill-like, eligibility-oriented, general-studies programs.

With the notable exception of science, technology, engineering, and mathematics majors—and law, medicine, and other majors subject to rigorous accreditation practices—students are not generally required to work hard to learn what they need to learn and how to learn it. Not requiring really hard work discourages class attendance by serious students, and it encourages laziness and the adoption of a beer-and-circus mentality.

At the recent Education Summit in Denver, Education Secretary Arne Duncan chastised teachers and their bosses in equal measure. Thousands of educators were told that the nation's schools are in deep trouble; that bickering among teachers, politicians, and administrators is sinking efforts to improve education; that one in four American students fails to complete high school; and that the United States is falling behind on college-graduation rates.

We need to wake up and face reality: Higher education in America is declining relative to education in nations that prioritize academics over athletics.

Frank G. Splitt

Mount Prospect, Ill.

*The writer is a former McCormick faculty fellow at Northwestern University's McCormick School of Engineering and Applied Science.*

*After we won the national championship in 1966, the Rev. Theodore M. Hesburgh, then president of Notre Dame, refused to let the team play in a postseason bowl game, because that would make it difficult for us to prepare for final exams – an inconceivable stand for a president of a Division I institution to take today. And back then, the National Collegiate Athletic Association still barred freshmen, even those with exceptional academic credentials, from participating in varsity competition. Although we had to endure the rigors of fall and spring practice, the freshman-ineligibility rule gave young athletes a year to adjust to college life with minimal interference from athletics. What's more, athletic scholarships were guaranteed for four years, regardless of whether the recipient actually competed in sports.*

– Allen L. Sack, 2001

## Postscript

The comments by Allen Sack are quotes from his article, “Big-Time Athletics vs. Academic Values: It's a Rout,” published in the January 26, 2001, issue of *The Chronicle of Higher Education*. Recently, Sack said: “This year’s National Collegiate Athletic Association men’s basketball tournament is likely to be remembered ...for the extraordinary media coverage it attracted to the issue of whether big-time college athletes should be paid. Special shows on PBS and other networks about paying college athletes were promoted as aggressively as the games themselves.” (“Ralph Nader and ‘Pay for Play,’” *Inside Higher Ed Views*, April 15, 2011, [http://www.insidehighered.com/views/2011/04/15/sack\\_questions\\_wisdom\\_of\\_nader\\_proposal\\_on\\_endin\\_g\\_sports\\_scholarships](http://www.insidehighered.com/views/2011/04/15/sack_questions_wisdom_of_nader_proposal_on_endin_g_sports_scholarships)).

***FutureVectors, Inc.***  
**Mount Prospect, Illinois**

# **COLLEGIATE ATHLETICS REFORM: A TRILOGY**

**Collegiate Athletics Reform: What Now?**

**“Confidence Men”.... On Wall Street and College Campuses**

**Collegiate Athletics Reform: When will we ever learn?**

**By Frank G. Splitt**

**November 10, 2011**

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*The NCAA's front business is amateurism. The whole operation—the rules and regulations, the investigations, the seminars on balancing academics and athletics, and the ludicrous term student-athlete—are designed to hide the real business the NCAA and their participating schools are engaged in: extortion. Viewed in the harshest—I would say "candid"—terms, they are extorting money from the (mostly poor and mostly black) kids who provide the raw material for the sports-entertainment business that generates billions of dollars for the NCAA and participating schools every year.*

—**Mark Yost**, From *VARSITY GREEN: A Behind the Scenes Look at Culture and Corruption in College Athletics*, Stanford University Press, 2010

*And sports, as my former fellow sports columnist at The Washington Star, David Israel says, is “an insular world that protects its own, and operates outside of societal norms as long as victories and cash continue to flow bountifully.” Penn State rakes in \$70 million a year from its football program.*

—**Maureen Dowd**, From "Personal Foul at Penn State," *New York Times*, November 9, 2011)

*The problem is the more powerful and revered the institution, the more difficult it becomes for anybody within it to expose the underbelly or report the sexual abuse and take action. And because it is such a powerful and revered institution, everybody here deferred to the institution to preserve its reputation, and forgot about the kids. And that is the problem in our most powerful and trusted institutions. The kids are at greatest peril, because the most powerful and trusted predators in those institutions are given the most protection.*

—**Jeff Anderson**, From the November 9, 2011, *PBS Newshour*

*A few millennia from now, when archaeologists from an ascendant Brazil or Turkey or wherever sift the shards of American civilization and find the ruins of the Big House in Ann Arbor, Mich., they will wonder why a 109,901-seat entertainment venue was attached to an institution of higher education. Today, the accelerating preposterousness of big-time college football is again provoking furrowed brows and pursed lips.... It is arguable, if not easily demonstrable, that universities' athletic successes cause increased student applications and alumni giving. Such giving matters increasingly as states' appropriations decrease. But even if true, this raises a question: Is the football industry as currently conducted an efficient way to do this? This is, in several senses, an academic question.... Today, the muscular interests around, and institutional momentum of, big-time football make it impervious to reform. Agitation, in several senses, will continue.*

—**George Will**, From “What it was, was football,” *Chicago Tribune*, November 10, 2011

# Collegiate Athletics Reform: What Now?

## **a College Athletics Clips Guest Commentary**

*Our guest author points out that despite the current media blitz concerning the negative impact of highly commercialized collegiate athletics on America's colleges and universities, there is still a lack of appropriate regulation and oversight of the NCAA and its member institutions by the federal government.*

*By Frank G. Splitt, 9-17-11*

**BACKGROUND** – At the height of the acrimonious debt-ceiling debate, Gerald Seib began his *Wall Street Journal* column stating, “The spectacle of a dysfunctional Washington, unable to tend to even its most basic task of protecting the nation's financial standing, may be appalling, it should not, however, be a surprise.”<sup>1</sup>

Seib's statement certainly came as no surprise to those advocating serious collegiate athletics reform. All have witnessed the continuing degradation of our nation's higher education system as many of its frontline colleges and universities have been prostituted in an often times fruitless effort to make money—held hostage by their big-time football and men's basketball businesses, athletics directors, coaches, and wealthy benefactors. Simply put, academics have become adrift in a sea of corrupt sports programs that tend to corrupt their sponsoring schools.<sup>2</sup> Some schools even seem willing to lower their standards a bit to stay competitive with the corrupt schools while hoping to limit the damage to a previously established image of integrity.<sup>3</sup>

One would think that stories keyed to the devastating impact of collateral damage to our nation's education system and its students would cause public outrage and thus go viral—not so in a culture that apparently values sports and entertainment above academics and learning. So what's up with collegiate athletics reform?

**WHAT'S GOING ON?** – More than eight years' worth of comprehensive documentation has painted an ugly, if not galling, portrait of an unfettered industry that has run amok—effectively operating without transparency, accountability, or oversight. Documentation in the form of TV Specials, books, essays, video documentaries, as well as newspaper and magazine stories have revealed pervasive and deep-rooted corruption in the collegiate college sports entertainment industry, as well as sports-related collateral damage.<sup>4</sup> Although telling the truth about college sports related collateral damage can have painful consequences, the press has responded with notable exceptions to the general rule of going along to get along.

It was thought that widespread attention to the totality of sports-related collateral damage could very well be generated if the story were amplified by the print media. To this end a media campaign was launched with the aim of expanding the American public's awareness of the negative impact of professionalized collegiate athletics on our nation's colleges and universities, as well as the pernicious exploitation of college athletes by the NCAA and its member institutions. Furthermore, it was thought that increased public awareness via a media blitz would enhance the likelihood of government intervention by either the U. S. Department of Education or the U. S. Congress.

**DEPARTMENT OF EDUCATION** – An endorsement of the awareness campaign by Education Secretary Arne Duncan was solicited with the hope his endorsement would stimulate further interest in the campaign and so enhance the likelihood of its success to the ultimate benefit of college athletes and the institutions they serve, as well as America's future well being. It could even prompt a demand for corrective action. What it did provide was a lesson learned.

Unfortunately, Department of Education officials have given every indication they prefer to look the other way—apparently unwilling to endorse such a media campaign. Ironically, Secretary Duncan was quick to applaud the unanimous vote by the NCAA presidents to raise the minimum Academic Progress Rate (APR) to 930 (from 900) and ban teams in all sports from participating in post-season tournaments and bowl games if their four-year APRs fall below 930.

The Secretary is seemingly unaware of the fact that NCAA's highly-touted APR is not a realistic measure of academic progress.<sup>5</sup> In light of the intrinsic defects of the APR and the historic failure of the APR process to promote academic reforms, as well as the lack of reform-leadership abilities of school presidents, it is almost beyond comprehension that Secretary Duncan was duped into saying, “College presidents have acted courageously.” The New York firemen who ascended the stairs of the melting World Trade Center acted courageously. There is absolutely nothing courageous about clustering college athletes in soft courses with easy graders and granting diploma-mill-like degrees to meet APR and Graduation Rate requirements, especially when such chicanery continues to be hidden from public scrutiny by FERPA, the Family Educational Rights and Privacy Act.<sup>6, 7</sup> Also, the

Secretary overlooked the fact that the presidents did not address the vexing financial issues outlined in the June 17, 2010, Knight Commission report, "Restoring the Balance: Dollars, Values and the Future of College Sports."

Secretary Duncan's "applause" of the college presidents' practically meaningless action and his unwillingness to endorse a media campaign that would expose the inherent hypocrisy in big-time collegiate athletics were not only disappointing, but also good examples of an out-of-touch, dysfunctional Washington. This does not bode well for the future well being of America in an ever more competitive global economy driven by highly educated citizens. One is led to ask: How can the U. S. Department of Education stand idle in the midst of a raging storm in intercollegiate athletics as evidenced by unprecedented news coverage?<sup>8</sup>

Department of Education officials have displayed a familiar blindness—one regularly demonstrated by politicians—that does not allow them to see the depth and breadth of the problems associated with professionalized collegiate athletics nor realize their significance. A lesson learned: *Reformers cannot take refuge in the illusion that the Department of Education will help resolve these problems.*

**THE MEDIA BLITZ GOES ON** – Subsequent to the above initiative at the Department of Education, newspaper stories<sup>9-14</sup>—prompted for the most part by the scandal at the University of Miami—have added to the unprecedented media coverage of the serious problems besetting the sports entertainment businesses at America's colleges and universities..

Hard-hitting stories were not all buried in the sports pages but have also appeared as editorials in the *Chicago Tribune*<sup>15</sup> and *Chicago Sun-Times*<sup>16</sup> and a *National Public Radio* program.<sup>17</sup> Not only that, but *The Atlantic Monthly* is publishing a veritable white paper, "The Shame of College Sports"<sup>18</sup> by Taylor Branch, that was the subject of another *National Public Radio* program.<sup>19</sup>

When coupled with all of the above, these stories should really pay off in terms of serious reform; however, one cannot bet on it. Exposing widespread corruption and misdeeds is one thing, but taking meaningful corrective action is quite another. As was pointed out in the *Chicago Tribune* editorial, former NCAA investigator J. Brent Clark has said, "The game is too popular and the money is too big." Here it is apropos to reiterate the concluding lines from an earlier commentary.<sup>20</sup>

Lest the reform-minded become overly excited by the advent of signs of hope and over confident by the rash of troubles besetting the NCAA as well as in the logic of their arguments, they must be realistic. What the higher education establishment seems to do best is resist change. The new NCAA president has not only surrounded his office with competent tax and antitrust attorneys to defend the status quo, but has the resources—both financial and political—to wage long and costly court battles to stifle legislative reform initiatives and to exhaustively appeal court rulings. However, the most difficult impediments to reform are deemed to be the American public's cultural propensity to value college sports entertainment no matter what the cost and the extraordinary amount of money lubricating the business at multiple levels. Why wake up and face reality? Given this circumstance, moving forward—while keeping reform alive and well—will require the utmost in patience and perseverance.

**The U. S. CONGRESS** -- Still it was hoped that all of the media coverage would lead to significant and enduring change in collegiate athletics and not be wasted as a mere chimera—a foolish fancy of what ought to happen. Put another way, it was hoped this coverage would not be the end all, i. e, as good as it gets.

This would certainly not be the end all if Senator Chuck Grassley (R-Iowa) would be able to renew his follow-up on the efforts of retired Congressman Bill Thomas, former chair of the House Committee on Ways & Means as he did when he was chair of the Senate Finance Committee.<sup>21</sup> Thomas' October 2, 2006, letter to the late Myles Brand, then president of the NCAA, challenged the justification of the NCAA's tax-exempt status that helps fuel the out-of-control college sports entertainment industry.<sup>22</sup>

*As long as there are large financial stakes involved, college presidents will put dollars before academic values, and continue to demonstrate that the term "higher education" increasingly is an oxymoron—there is less and less "higher" or "education" about it. These big scandals will never stop, partly because of the financial gains possible through cheating, but more understandably because of the inherent unfairness in the present rules.*

— **Richard Vedder**<sup>23</sup>

*Is there a death penalty for coaches, school presidents, athletic directors, fans who don't care, where they all have to quit or stay away from the game for a year? And if not, why not?— **Rick Telander**<sup>24</sup>*



Many of us in the faculty-driven college-sports-reform movement had hoped Senator Grassley would have received sought-after bipartisan support to continue his follow up. Political circumstances have thus far not permitted this follow up. This effort by Senator Grassley required a good deal of political courage. It could very well have led to the elimination of the prostitution of America's colleges and universities by the sports entertainment industry as well as a significant reduction in related corruption.

Notwithstanding, the intense media coverage, re-election considerations seem to outweigh all other issues, especially 'third-rail' issues that could be resolved by the courts, e.g., the Edward O'Bannon and Joseph Agnew cases.<sup>18</sup>

**WHAT NOW?** – Today, despite the obvious lack of appropriate federal regulation and oversight of the NCAA cartel, the U.S. Congress and the U.S. Department of Education have avoided taking meaningful action. Members of Congress and officials at the Education Department appear to be ignoring the unprecedented number of revelatory stories about the long-term negative impact of highly commercialized collegiate athletics on America's colleges and universities.

However, there is a glimmer of hope in Congressman Bobby Rush (D-Illinois) who told the *Wall Street Journal* he believes the system is in need of "serious reform" and that he plans to convene a series of panels of current and former athletes, parents, journalists, coaches and compliance officials in October to discuss the situation. "Paying student athletes over and above the value they receive from athletic scholarships could be part of the remedy," Rush said in a statement.<sup>25</sup>

It is what it is. If Senator Grassley's and Congressman Bobby Rush's congressional colleagues continue to avoid the issues surrounding collegiate athletics, then the argument for reform and the need to look beyond Washington for solutions becomes ever more compelling.

**AFTERWORD** (Not included in the September 18, 2011, *CLIPS* posting)

Subsequent to the *CLIPS* posting, the *PBS Newshour* aired related segments on September 19 and 20. In the first of these segments, civil-rights historian Taylor Branch spoke with Hari Sreenivasan about his cover story in *The Atlantic* which calls for a complete overhaul of the way NCAA athletics works.<sup>26</sup> The second segment was in response to the interview with Taylor Branch about the idea of college students who play sports being paid.<sup>27</sup> The NCAA made available Joe Crowley, a historian, former member of NCAA committees and former president of the University of Nevada at Reno. He also spoke with Hari Sreenivasan.

The American public does not seem to care about the lack of government intervention so long as it is entertained 24/7. For the most part, the public has developed a belief system about collegiate athletics that does not square with the facts. The *Atlantic Monthly* essay by Taylor Branch<sup>17</sup> and the Frank Deford's remarks<sup>18</sup> go a long way toward laying out the facts that will hopefully precipitate corrective action that goes well beyond that covered Congressman Bobby Rush's series of panels.

No doubt, Taylor Branch's *Atlantic Monthly* essay as well as the transcripts of the *NPR* and *PBS* programs will be part of the staff briefing package for Congressman Rush's October panels. Also, Joe Crowley's remarks as to why college athletes should not be paid will likely be of interest to Senator Grassley from the point of view that the NCAA's claim that their athletes are not being paid—scholarships and expense payments notwithstanding—is simply an argument to protect the NCAA's tenuous tax-exempt status.

*September 22, 2011*

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# “Confidence Men”... On Wall Street and College Campuses

## *a College Athletics Clips Book Review*

*Our guest author references the book Confidence Men and earlier documentaries about America’s financial crises to point to another looming crisis in higher education that he sees mirroring the economic meltdowns.*

*By Frank G. Splitt, 10-5-11*

**Ron Suskind's recently published book, *Confidence Men*, is a brilliantly reported story.**<sup>1</sup> The Pulitzer Prize winning journalist provides deep insights into how Wall Street strayed from long-standing principles of transparency, accountability, and fair dealing to generate stunning profits but only to fail just prior to the election to the presidency of a woefully inexperienced Barack Obama. Suskind exposes the principle players in this calamitous affair. His revelations should come as no surprise to those who have previously viewed the informative documentaries "Enron: The Smartest Guys in the Room"<sup>2</sup> and "Inside Job."<sup>3</sup>

"Enron," based on the book by *Fortune Magazine* reporters Bethany McLean and Peter Elkind,<sup>4</sup> provides a behind-the-scenes look at the powerful energy company whose downfall forever changed the landscape of the business world. "Inside Job" is based on producer/director Charles Ferguson's interviews with journalists, politicians, and financial insiders that revealed the true architects of the economic meltdown that hit America starting in 2008—exposing most of the same players named by Suskind.

Taken together, Suskind’s book and the documentaries provide a telling lesson in the potential trappings of arrogance, dishonesty, incompetence (inexperience), greed, and unethical behavior plaguing, to varying degrees, not only corporate America, but our government as well.

We see from Suskind's book and the documentaries that a decade after the 9/11 terrorist attack on the World Trade Center's twin towers, grievous harm to the U. S. and world economies has been achieved by Americans—this grievous harm was one of the key objectives of the 9/11 attack that failed in this regard. Devastating economic harm was not accomplished by a memorable catastrophic event, but over time via a combination of greed and arrogance, as well as a profound lack of appropriate regulation and oversight by U. S. governments led by ill-advised presidents who, in turn, exercised poor judgment.

Osama bin Laden and Al Qaeda were held accountable for the 9/11 attack and duly punished. However, no one on Wall Street or in the White House has been sent to jail or otherwise held accountable for the economic crisis orchestrated by the confidence men on Wall Street and in the White House.

It is difficult to believe that still another unheralded crisis is brewing—mirroring the economic debacles in many ways. It involves one of America's biggest business sectors—higher education. Many of America's colleges and universities are experiencing serious troubles with proliferating scandals in their professional sports entertainment businesses that are led by their own brand of fat-cat confidence men—NCAA, BCS Conference, and school officials, as well as very wealthy boosters and trustees.

The schools have become academically adrift in a sea of sports—with graduates that have not developed the skills and knowledge they need to become our next generation of leaders and good citizens.<sup>5,6</sup> Their graduates lack foundational knowledge in core subjects such as math, science & technology, economics, communications (written and verbal), civics, and history.

The schools’ crowd-pleasing sports-entertainment businesses exhibit undisguised contempt of academic integrity and are not only accompanied by injustices to college athletes, but massive corruption as well.<sup>7-9</sup> Corruption has, over time, warped academic missions as athletics have been prioritized over academics with dire unintended consequences, to wit: the loss of economic competitiveness, deterioration of America's well being, as well as the erosion of its leadership position on the world stage. Nonetheless, as with AIG and the big banks, members of Congress and Administration officials—including those at the Department of Education—consider these businesses too big to fail and too popular with constituents (a political ‘third rail’). As a consequence, they are reluctant to require corrective action, such as imposing requirements for transparency, accountability and oversight.

Unfortunately, the nation stands in denial. We have no one to blame but ourselves with our seeming addiction to 24/7 sports entertainment and tolerance of a political class that seemingly prioritizes re-election above all else. When will we ever learn?

*"The future of our country" was the kind of earnest topic they wouldn't or couldn't survey without a wry smile. But now I believe I see a deep yearning to help, to do the right thing, to be part of a rebuilding, and it is a yearning based in true and absolute anxiety that we may lose this wonderful thing we were born into, this America, this brilliant golden gift.—Peggy Noonan<sup>10</sup>*

Perhaps all of this will be the subject of a future Suskind book and truth-telling documentaries, possibly co-authored with fellow Pulitzer-Prize-winner Taylor Branch, author of the previously referenced cover story, "The Shame of College Sports," in the October 2011, issue of *The Atlantic Monthly*. Hopefully, the book and documentaries will not be histories of another calamity but rather a story about how we can resolve related problems and come back as the world leader we once were.<sup>11</sup>

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*It was a wild night at Penn State as police clashed with disgruntled students after Football Coach Joe Paterno and university President Graham Spanier were fired. I wonder if universities with big-time football and basketball programs are pleased with what they've created. Driven by greed, they over-value their sport-entertainment businesses and protect them at all costs. Look at what they have produced...students who do the same. What a disgusting shame and a complete contradiction of the notion that universities are "the civilized, rational, ethical institutions of higher learning."*

—Kadence Otto, November 10, 2011

# Collegiate Athletics Reform: When will we ever learn?

## *a College Athletics CLIPS Guest Commentary*

*Our guest author asks a provocative question: In view of America's debt crisis, the tax-exempt status of the NCAA and its member institutions, and the public's nearly unquenchable appetite for 24/7 sports entertainment, why doesn't the government surtax all sports-related revenues associated with college/university and professional sports?*

*By Frank G. Splitt, 11-08-11*

**Notwithstanding** the NCAA Board's recent reform announcements, no doubt aimed at confidence-building, serious questions remain about the willingness and ability of the NCAA and conference officials to reform their operations. Why so? Simply stated, these officials have conflicting interests as promoters of their professional sports entertainment businesses and enforcers of rules that can curtail the viability of these businesses.

Besides, there is no meaningful oversight of the NCAA cartel (the NCAA and its member institutions) as it is not only self-reporting and self-regulating, but self-enforcing as well. Furthermore, the cheating and corruption that enables the cartel to maintain its tax-exempt status—while fielding professional teams with their conferences serving as the minor leagues for the NFL and NBA—are rooted in the same types of cronyism and cozy relationships that were instrumental in spawning today's worldwide financial crisis.

As with AIG and the big banks, government officials consider the NCAA cartel's businesses too big to fail and too popular with constituents (a political 'third rail'). Consequently, they have been reluctant to require corrective action, such as imposing requirements for transparency, accountability and oversight that would not only help assure compliance with federal conditions for the cartel's tax-exempt status, but expose its secretive operations to disinfecting sunshine as well. Recent calls for congressional activity to address the proliferation of scandals in collegiate athletics have been made by Congressmen Bobby Rush (D, IL) and John Conyers (D, MI).

Congressmen Rush's November 1, 2011, panel, "Hypocrisy or Hype?," provided a ray of sunshine and may very well lead to an exception to the long-standing general hands-off rule.<sup>1</sup> His panel discussion coupled with articles by Taylor Branch, Charles Pierce, and Allen Sanderson, as well the work of students at Kent State University,<sup>2-5</sup> add even more insights into the seamy side of collegiate athletics to those presented in previous commentaries.

This material also prompted a number of finance and tax-related questions as follows:

1. Why are federal and state politicians, who complain about debt and high-paid public employees, silent about the fact that, in most if not all states, the highest paid public employee is either a college football or basketball coach working in the school's non-profit sports entertainment business?
2. Why does the federal government allow the NCAA cartel (the NCAA and its member institutions) to operate as if its tax-exempt status is a well-deserved entitlement when its so-called amateur "student athletes" are not only paid via increasing grants-in-aid ("athletic scholarships"), but also compete on professional teams in conferences that serve as the minor leagues for the NFL and NBA?
3. If the primary purpose of America's schools is to educate its next generation of leaders and good citizens, why are they serving as cost-and-tax-free training grounds for the NFL and the NBA?
4. Why does the NCAA only limit the 120 teams in the Football Bowl Subdivision to 85 "scholarship" athletes each when the NFL limits active team rosters to no more than 53 players, especially when schools are experiencing severe financial problems?
5. Why do students who are not "student athletes" have to pay fees so that college athletes can attend school for free?

6. If subsidizing collegiate sports via favorable tax policies is such a good idea, why don't America's global competitors give lucrative grants-in-aid to their countries' best athletes?

7. In view of the above, America's debt crisis, and the public's nearly unquenchable thirst for 24/7 sports entertainment, why doesn't the government surtax all sports-related revenues associated with college/university and professional sports?

Recently, these questions were posed to key staff members of the Senate Finance Committee (SFC).<sup>6</sup> It was requested that each question be given thoughtful consideration, especially question # 7, in light of comments by The Drake Group on the draft of a Redesigned IRS Form 990,<sup>7</sup> a paper published in *The Montana Professor*,<sup>8</sup> Congresswoman Jan Schakowsky's March 17, 2005, call for attention to work on collegiate athletics reform,<sup>9</sup> as well as two relevant quotes:

*Unfortunately, the nation stands in denial. We have no one to blame but ourselves with our seeming addiction to 24/7 sports entertainment and tolerance of a political class that seemingly prioritizes re-election above all else. When will we ever learn?*

—Frank Splitt<sup>10</sup>

*Education is the engine of social mobility, and it's sputtering. Americans have two options: improve our schools or accept a lower standard of living.... Other countries have focused on math and science, while in America degrees have proliferated in "fields" like sports exercise and leisure studies.*

—Fareed Zakaria<sup>11</sup>

It remains to be seen whether or not the SFC responds with potentially game changing taxation reform.

In the meantime, consider this: Although cheating, academic corruption, brain injuries, deaths, and cover-ups in collegiate athletics can have a disastrous impact on America's citizens, its educational institutions, and its long-term vital interests, they certainly don't generate the attention and headlines associated with sex related scandals. However, the current sex-abuse scandal at Penn State University is illustrative of the extent to which school officials will go to protect their sports entertainment businesses and coaches. The Penn State sex-abuse scandal also tells much about America's culture ...a culture that can possibly lead to its downfall as a world leader.

Some 80 years ago philosopher Alfred North Whitehead wrote that when one compares the importance of education with "the frivolous inertia with which it is treated," it is "difficult to restrain within oneself a savage rage"—an apt description of the feelings of those working in collegiate athletics reform who see athletics prioritized over academics at schools sponsoring big-time football and men's basketball programs....programs that are not only hugely popular with America's sports obsessed public, but are also government subsidized by virtue of favorable tax policies.

It's all about America's culture. It has been said that culture is the most important story of our times. When will we ever learn?

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# **Collegiate Athletics Reform: A Lesson Learned**

*A Collection of Commentaries*

**By Dr. Frank G. Splitt**

**September 6, 2011**

*The NCAA claims that amateurism equates to purity. That is a canard; there is simply no proof of that. Otherwise we would have amateur musicians, painters and writers, and art would flourish pristine as never before. The NCAA's stated defense for athletic penury is "student-athletes should be protected from exploitation." Hear! Hear! But right now, it's the NCAA member colleges which exploit football and basketball players. Would there be just one president at the (NCAA's presidential) retreat who would speak the truth and acknowledge that the only true reason for amateurism in big-time college sport is because it allows colleges to get something for free with which to amuse the paying students and fleece the wealthy alumni?*

— Frank Deford, August 3, 2011

*A poll of university presidents last year revealed most are afraid to oppose their coaches and athletic directors and feel helpless to deal with issues such as lack of academic integrity and over-spending for athletics. But one president, according to Libby Sander of the Chronicle of Higher Education, has called on his colleagues to "reassert our national leadership" over athletics. "It is important for university presidents to publicly show that we are in control of college athletics," Kansas State president Kirk Schulz said last week in an email. Schulz deserves credit for speaking out, but most of his colleagues are your garden-variety cowards.*

—Bob Gilbert, August 8, 2011

*The term student-athlete has become a punch line, with more focus on the entertainment the athletes can provide than the education they should be receiving.... What if colleges didn't just provide them with a stage for their performances, but prepared them for their exit from it? And what if they aspired to make the legacy of this multibillion-dollar entertainment industry more than just entertainment? My guess is that it would be just as entertaining. At this particular moment, I don't see how anyone can justify doing anything less.*

—Jonathon Mahler, August 9, 2011

*A Yahoo! Sports investigative report released Tuesday (August 16, 2011) revealed a former Miami booster provided thousands of impermissible benefits to at least 72 athletes from 2002 to 2010. The range and depth of the violations are so shocking — cash payoffs, cash bounties on opponents' players, trips, jewelry, prostitutes, among other things.....NCAA president Mark Emmert can talk tough; he can call for a retreat of university presidents to fix the game—one of those presidents was Miami's Donna Shalala, who was hit with damning anecdotal evidence in the Yahoo! report. Emmert can talk of curing the ills of amateur sports. But it's all a sham.*

—Matt Hayes, August 17, 2011

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## PROLOGUE

On July 26, 2011, at the height of the acrimonious debt-ceiling debate, Gerald Seib opened his *Wall Street Journal* column by stating, “The spectacle of a dysfunctional Washington, unable to tend to even its most basic task of protecting the nation's financial standing, may be appalling, it should not, however, be a surprise.”[1].

Seib’s statement certainly came as no surprise to those advocating serious collegiate athletics reform. All have witnessed the continuing degradation of our nation's higher education system as many of its frontline colleges and universities have been prostituted in an often times fruitless effort to make money—held hostage by their big-time football and men's basketball businesses, athletics directors, coaches, and wealthy benefactors. Simply put, academics are adrift in a sea of corrupt sports programs that tend to corrupt their sponsoring schools. Some schools even seem willing to lower their standards a bit stay competitive with the corrupt schools while hoping to limit the damage to a recognized image of integrity.[2]

One would think that stories keyed to the devastating impact of collateral damage to our nation's education system and its students would cause public outrage and thus go viral—not so in a culture that apparently values sports and entertainment above academics and learning.

More than eight year's worth of comprehensive documentation has painted an ugly, if not galling, portrait of an unfettered industry that has run amok—effectively operating without transparency, accountability, or oversight. Documentation in the form of TV Specials, books, essays, video documentaries, as well as newspaper and magazine stories have revealed pervasive and deep-rooted corruption in the collegiate college sports entertainment industry, as well as sports-related collateral damage. Although telling the truth about college sports related collateral damage can have painful consequences, the press has responded with notable exceptions to the general rule of going along to get along.

It was thought that widespread attention to the totality of sports-related collateral damage could very well be generated if the story is amplified by the print media. To this end a media campaign was launched with the aim of expanding the American public’s awareness of the negative impact of professionalized collegiate athletics on our nation’s colleges and universities, as well as the pernicious exploitation of college athletes by the NCAA and its member institutions.

An endorsement of this awareness campaign by Education Secretary Arne Duncan was solicited with the hope his endorsement would stimulate further interest in the campaign and so enhance the likelihood of its success to the ultimate benefit of college athletes and the institutions they serve, as well as America's future well being. It could even prompt a demand for corrective action.

Unfortunately, Department of Education officials have given every indication they prefer to look the other way—apparently unwilling to endorse such a media campaign. Ironically, Secretary Duncan was quick to applaud the unanimous vote by the NCAA presidents to raise the minimum Academic Progress Rate (APR) to 930 (from 900) and ban teams in all sports from participating in post-season tournaments and bowl games if their four-year APRs fall below 930.

The Secretary is seemingly unaware of the fact that NCAA’s highly-touted APR is not a realistic measure of academic progress.[3] In light of the intrinsic defects of the APR and the historic failure of the APR process to promote academic reforms, as well as the lack of reform-leadership abilities of school presidents, it is almost beyond comprehension that Secretary Duncan was duped into saying: “College presidents have acted courageously.” The New York firemen who ascended the stairs of the melting World Trade Center acted courageously. There is absolutely nothing courageous about clustering college athletes in soft courses with easy graders, and granting diploma-mill-like degrees to meet APR and Graduation Rate requirements, especially when such chicanery continues to be hidden from public scrutiny by FERPA, the Family Educational Rights and Privacy Act. [4, 5] Also, the Secretary overlooked the fact that the presidents did not address the vexing financial issues outlined in the June 17, 2010, Knight Commission report, "Restoring the Balance: Dollars, Values and the Future of College Sports."

Secretary Duncan's "applause" of the college president's practically meaningless action and his unwillingness to endorse a media campaign that would expose the inherent hypocrisy in big-time collegiate athletics were not only disappointing, but also good examples of an out-of-touch, dysfunctional Washington. This does not bode well for the future well being of America in an ever more competitive global economy driven by highly educated citizens. One is led to ask: How can the U. S. Department of Education stand idle in the midst of a raging storm in intercollegiate athletics as evidenced by the unprecedented news coverage delineated in the appendices?

Perhaps the lack of attention by the Department of Education is a reflection of willful ignorance. That is to say, if serious situations and issues are not acknowledged, there is no need to take corrective action. Put another way, the willfully ignorant would certainly see no need to endorse a media campaign aimed at spreading the word about sports-related collateral damage and the exploitation of college athletes by the NCAA and its member institutions. Why help reform-minded individuals and organizations make the American public aware of serious issues that Department of Education administrators choose to overlook?

Department of Education officials have displayed a familiar blindness—one regularly demonstrated by politicians—that does not allow them to see the depth and breadth of the problems associated with professionalized collegiate athletics nor realize their significance. A lesson learned: Reformers cannot take refuge in the illusion that the Department of Education can solve these problems.[6]

It is hoped that the appended comprehensive list of recent newspaper and law-review articles, network programs, as well as the essays posted at <<http://thedrakegroup.org/splittessays.html>> will not only give the reader a firm grasp of college sports related issues, but also make a compelling argument for reform. When coupled with the following commentaries, the argument for reform and the need to look beyond Washington for solutions becomes even more compelling.

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## **The Efficacy of Paying for College Sports**

### ***College Athletics Clips Guest Commentary***

*Our guest author believes that absent government intervention, school presidents will continue to do the 'bidding' of affluent boosters no matter what Knight Commission Reports and Causal Decision Theory may say about the negative consequences of their decisions on funding athletics programs.*

By Frank G. Splitt, The Drake Group, March 24, 2011

*Indisputably, sport is the finest, purest meritocracy, where performance is genuinely rewarded, fairly, at face value. The irony is that in college in America, sport is not fair, not democratic. Athletics is privileged, and athletes have come to form a mandarin class, where they play by different rules and thereby diminish the substance and the honor of education. That is the real March Madness, all year long. — Frank Deford, 2005*



The *PBS Need to Know* program, “Sis, boom, bust: The high cost of college sports,” that aired on March 4 should enlighten all concerned with the high cost of higher education at colleges and universities supporting big-time intercollegiate athletics programs. The program fits into the broader context of higher education discussed in the Prologue to “Collegiate Athletics Reform: Signs of Hope.”<sup>1</sup> The quality of higher education in America is declining relative to education in nations that prioritize academics over athletics. America’s colleges and universities should no longer be allowed to drift in a sea of mediocrity.<sup>2</sup>

Betsy Rate said the following in her introduction of the Web video of the program:<sup>3</sup>

It’s an uneasy time for many of America’s university campuses. In New York, the governor is proposing a 10 percent reduction in funding to higher education. In Michigan, it’s 15 percent. And in California, almost 16 percent. Last month, the president of the University of Nevada Las Vegas announced that the school may end up in the academic equivalent of bankruptcy. Tenured faculty could lose jobs, and entire departments may be closed.

But on many campuses, spending on intercollegiate athletics is growing, even though most sports programs run up millions of dollars a year in annual deficits. That means that while public universities are cutting in classrooms, your tuition dollars — and maybe even your tax dollars — are subsidizing big-time college sports.

Although the program was quite well done, it offered little in the way of surprises for those that are familiar with the economics of big-time collegiate athletics. For the unfamiliar, Amy Perko, Executive Director of the Knight Commission, posted a comment that referred readers to a commission report that provides recommendations for financial reforms for athletics programs.<sup>4</sup>

Ohio University officials—the president and the provost—made remarks typical of sitting academic officials in defense of the university’s continuing participation in NCAA Div 1 programs. They simply parroted the NCAA cartel’s party line. To do otherwise would invite confrontations not only with members of their governing boards, affluent boosters, alumni, fans, and local business owners, but also with their counterparts at other cartel colleges and universities as well as NCAA officials. Few high-level officials are willing to risk their jobs by inviting such confrontations.

Remarks by the Ohio University officials stood in sharp contrast to those of the late Mason Welch Gross, the 16th President of Rutgers University, who said:

The college that has a sports program for any other reason than an educational reason is soon going to lose control of the program. If the college goes in for sports as a part of a program of public entertainment and public relations, then the public will dictate the kind of entertainment it wants. If the reason is fund-raising, then the fund-raisers and the potential donors will dictate the program. Whatever the reason may be, the college has lost control, including the control of those parts of its education policy which are related, such as admissions.

The often-repeated arguments in defense of the high (and escalating) costs of commercialized collegiate athletics are well known—mostly based on either faulty empirical evidence or logical error. The arguments are discussed by William Dowling in *Confessions of a Spoilsport*, a book that exposes the Faustian bargain university trustees and presidents make to support their professionalized sports entertainment businesses.<sup>5</sup>

In his discussion, Dowling makes reference to Frederic Murphy’s work that relates spending on college sports to the “Dollar auction” game.<sup>6</sup> In this sequential game, players are seemingly compelled to make an ultimately irrational decision based completely on a sequence of rational choices they have made throughout the game. College and university presidents allow themselves to be trapped into playing an even more complicated game when they accepted their prestigious presidential positions.<sup>7</sup>

Big-time college football has an ugly side, one that has been a perennial source of embarrassment for otherwise upstanding American colleges and universities. The collateral damage resulting from overzealous efforts to have winning teams and bowl invitations is a price these universities are willing to pay. It's also the price the public is willing to pay for their entertainment.<sup>8</sup>

Absent government intervention, the lure of fame and fortune, emotions, and cultural values the athletic tail will likely continue to wag the academic dog, with school presidents continuing to do the 'bidding' of affluent boosters wherever they may be and no matter what Knight Commission Reports and Causal Decision Theory say about the both the short and long-term negative consequences of their decisions on funding athletics programs.

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The Dollar-auction game was designed by economist Martin Shubik to illustrate a paradox brought about by traditional rational choice theory. Murphy uses the game to illustrate the irrational escalation of commitment in the athletics arms race. By the end of the game, though both players stand to lose money, they continue bidding the value up well beyond the point that the dollar difference between the winner's and loser's loss is negligible; they are fueled to bid further by their past investment. See "The Dollar Auction" at [http://en.wikipedia.org/wiki/Dollar\\_auction](http://en.wikipedia.org/wiki/Dollar_auction) and "Shubik's Dollar Auction Game - Not Rational to Play?," at <http://bizop.ca/blog2/how-would-you-play-that/shubiks-dollar-auction.html>.
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## Football's dangerous — and for what?

### *College Athletics Clips Guest Commentary*

*The prevailing attention (finally) being devoted to head injuries has stirred a letter to SecEd Arne Duncan.*

*Frank Splitt, 5-4-11*

Ed. From a suburban Chicago newspaper comes a letter to the editor....  
*Daily Herald*, 4-29-11, "Football's dangerous — and for what?"

In his story about the renewal of the Northwestern-Notre Dame football rivalry, Lindsey Willhite quotes Pat Fitzgerald, the current Northwestern University coach ("NU-Notre Dame football series to resume in 2014," April 15). When asked about the 1995 season opener when he played as a Northwestern junior against Notre Dame, he said: "What do I remember? That we won, it was a fun day. Outside of that, I don't remember much. I got hit in the head a lot.

It is ironic that Fitzgerald's statement that "I got hit in the head a lot" appeared in a story published just three days after PBS aired the informative *Frontline* documentary "Football High" that exposed the extent of serious brain and other injuries incurred by football players.

High school and college football injuries are more widespread and more long-term than youth baseball injuries that are now being mitigated by banning composite bats that hit harder, made games livelier, but added to injury worries. It seems that little can be done to ban the football "bat" — the players who themselves can be lethal instruments. These players are now heavier, stronger, better trained and better equipped to do serious physical and mental damage to their opponents.

Barring a seismic shift in the sports-entertainment culture of the American public, it appears that little if anything can be done to change this unhealthy situation since high school players are the raw material at the front end of the supply chain for the lucrative sports entertainment industry. A few of the best of these players are destined to become college athletes — playing football on behalf of their school's sports entertainment business — with still fewer of these athletes going on to play in the National Football League.

Frank G. Splitt  
Mount Prospect

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*Thereupon Mr. Splitt sent the following letter to SecEd Arne Duncan....*

May 1, 2011:

Mr. Arne Duncan, Secretary  
U.S. Department of Education

Subject: Collateral Damage in High School and College Football  
Reference: Forwarded message dated 4/13/2011, Subject: What in the world is going on in higher education?

Dear Mr. Secretary:

Please find appended a copy of a letter written with the intent of focusing attention on football brain injuries. These injuries are but one example of the wide-ranging collateral damage associated with high school and college football. The letter with its original title, "Football players can brain their opponents," was inspired by the *Frontline PBS* documentary, "Football High." [1]

Subsequent to a discussion of the *Frontline* documentary with Karl Idsvoog, an Associate Professor of Electronic Media at Kent State University, he brought a relevant Purdue University research study to my attention. [2] The study found football players who had never suffered a concussion performed worse on basic memory tests as the season progressed. This newly discovered category of cognitive impairment presents a dilemma because the finding suggests athletes may suffer a form of brain injury that is difficult to diagnose and consequently could keep on playing even though they are impaired.

Considering the prevailing win-at-any-cost climate in football games, it would not be surprising to find high school and college football coaches unofficially encouraging players to "man-up" and not say anything if they get hurt because they would have to come out of the game. To be sure, it would not take much encouragement since supernormal stimuli are still at work in these young athletes. [3] What players would ever want to let their team down in "big" games?

For your information, Idsvoog directed the Kent State Student project that analyzed the student fee structure at several Mid-American Conference universities.[4] The analysis revealed that academic students help fund their school's athletic department, but the students are not aware of it because the schools don't provide this information on their billing statements. Revealing information related to athletics' programs that schools keep obscure can have unpleasant consequences for the revealer.

Unpleasant consequences can also be in store for those who dare expose or discuss the wide ranging collateral damage associated with high school and collegiate athletics. This damage is not limited to deaths and traumatic brain injuries, but includes a multitude of behaviors that reflect "beer and circus" campus environments. Such environments are characterized by oftentimes criminal outcomes such as violence, assaults/rapes, and a variety of nasty impacts stemming from alcohol abuse and/or the use of performance-enhancing drugs. Cheating, academic corruption, prioritization of athletics over academics, and academics adrift with warped educational missions, are not uncommon.[5]

America's culture is dominated by sports-entertainment and does not emphasize the importance of education and the value of science, technology, engineering, and mathematics. Sad to say, the public's representatives in government have chosen to look the other way, accepting the cost of collateral damage and misplaced emphasis as the price to be paid for the entertainment of their sports addicted constituents while also avoiding confrontation with the powerful NCAA cartel. Sad as well is the repeated pandering of government officials to sports fans.

Notwithstanding the above and the situations discussed in the referenced e-mail, there is still hope that good can come from this effort to make you and your colleagues aware of the devastating impact of the collateral damage to our nation's government subsidized high schools and colleges as well as to the students who are ostensibly attending these schools to be educated rather than exploited, entertained, and/or abused as the case may be.[6]

A thoughtful response would not only be greatly appreciated, but would also be shared with academics across America.

Respectfully submitted,

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University  
Member, The Drake Group  
<<http://thedrakegroup.org>>

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# Caveat Emptor and Prospective College Athletes

## *College Athletics Clips Guest Commentary*

*Our guest author points out that prospective college athletes face quadruple jeopardy when they unwittingly buy into the scholarship recruitment packages proffered by NCAA member colleges and universities.*

*By Frank G. Splitt, 6-1-11*

**This commentary calls attention to** the fact that absent federal and/or state, Bills of Rights for prospective college athletes, Truth in Recruiting legislation, or NCAA Transparency and Accountability Acts, , unwitting recruits face quadruple jeopardy, i. e., double-double jeopardy, when they buy into the recruitment packages proffered by NCAA member colleges and universities. This exploitation is especially hard on the academically disadvantaged. How might this be?

First, as was made clear in testimony by Allen Sack and Ramogi Huma at a Connecticut legislative hearing on Athletic Scholarships and Medical Expenses this past February, recruited athletes often aren't clear on the likelihood of a scholarship being revoked on schools' policies on injuries and medical expenses. Simply put, recruits are usually unaware of the fact that they will be obliged to sign away their rights as a condition for their athletic scholarship.[1, 2]

Second, for the most part, these so-called student-athletes are kept eligible to play via participation in clustered classes and diploma-mill like programs engineered at jocks-only academic resource centers—notwithstanding very limited time to study because of the intense time demands of their sport. In other words, these athletes really have little chance of getting a meaningful college education no matter how famous the school. No doubt, African-American and Latino athletes are the most vulnerable since they are more likely to be academically unprepared relative to European-Americans.[3-6]

Third, as discussed in an open letter to Education Secretary Arne Duncan, these athletes are exposed to brain trauma—incipient damage that is difficult to diagnose. The cumulative effect of this damage may not manifest itself until years after an athlete's playing days are over.[7] A related *Daily Herald* story by Lindsey Willhite focused on Chris Nowinski's work on brain trauma at Boston University.[8]

Fourth, college athletes suffering from sports-related collateral damage are not eligible for workmen's compensation. According to Walter Byers, the NCAA's executive director from 1951 to 1987, the NCAA crafted the term "student-athlete" to counter the threat that the NCAA's athletes could be identified as employees by state industrial commissions or the courts and so be eligible for workmen's compensation.[9]

The NCAA is accountable to no government agency. Also, it avoids transparency by hiding behind the Buckley Amendment and its regulations.[10] The Buckley Amendment has proven to be an effective shield for the academic corruption in college athletics as it prohibits public disclosure of athletes' courses, instructors, and course grade-point averages. To expose the complicity of colleges and universities in the corruption of college athletics, it has been recommended that Congress or the Department of Education amend the definition of publicly available "directory information" to allow institutions to make available to the public athletes' academic advisors, courses listed by academic major, general-education requirements, and electives. Even with the recent regulation changes, the problem of academic corruption in college athletics has gotten worse.[11]

The above, taken together with the previously noted *Chronicle* publications by Gerald Gurney, Thomas Palaima, Robert and Amy McCormick, and Shirl Hoffman, makes a compelling argument for reform. When coupled with the Chris Nowinski story and the *CLIPS* commentary, the argument for reform becomes even more compelling.

One would think that a message keyed to the devastating impact of collateral damage to our nation's education system and its students would cause public outrage and so go viral—not so in a culture that values sports and entertainment above academics and learning.

Nonetheless, widespread attention to the totality of sports-related collateral damage could very well be generated if the story is picked up by the print media. To this end a media campaign was launched with the aim of spreading the word about this damage and the pernicious exploitation of college athletes by the NCAA and its member institutions as well as to compound the efforts of reform-minded individuals and organizations.

An endorsement of this awareness campaign by Secretary Duncan was solicited. Hopefully, his endorsement of the campaign will be forthcoming. It would certainly stimulate interest and so enhance the likelihood of its success to the ultimate benefit of future college athletes and America's future well being. It could even prompt a demand for corrective action.

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## AFTERWORD

More recent *Wall Street Journal* stories, [1-3] as well as a *National Public Radio* program, [4] that featured extended remarks on collegiate athletics reform by Dave Ridpath, have added to the unprecedented media coverage of the serious problems besetting the sports entertainment businesses at America's colleges and universities listed on pages 2 and 3 of the August 17, 2011, vintage PROLOGUE.

The *Chicago Tribune* weighed in with a truly capstone editorial;<sup>[5]</sup> see the Appendix on the following page. This hard-hitting piece coupled with all of the above should really pay off in terms of serious reform, however, one cannot bet on it. Exposing widespread corruption and misdeeds is one thing, but taking meaningful corrective action is quite another. As was pointed out in the *Chicago Tribune* editorial, former NCAA investigator J. Brent Clark has said, "The game is too popular and the money is too big." Here it is apropos to reiterate the concluding paragraph of the PROLOGUE to "Collegiate Athletics Reform: Signs of Hope,"<sup>[6]</sup>

Lest the reform-minded become overly excited by the advent of signs of hope and over confident by the rash of troubles besetting the NCAA as well as in the logic of their arguments, they must be realistic. What the higher education establishment seems to do best is resist change. The new NCAA president has not only surrounded his office with competent tax and antitrust attorneys to defend the status quo, but has the resources—both financial and political—to wage long and costly court battles to stifle legislative reform initiatives and to exhaustively appeal court rulings. However, the most difficult impediments to reform are deemed to be the American public's cultural propensity to value college sports entertainment no matter what the cost and the extraordinary amount of money lubricating the business at multiple levels. Why wake up and face reality? Given this circumstance, moving forward—while keeping reform alive and well—will require the utmost in patience and perseverance.

Nevertheless, is my fervent hope that all of the media coverage will lead to significant and enduring change in collegiate athletics and not be wasted as a mere chimera—a foolish fancy of what ought to happen. The coverage will not be as good as it gets if Senator Grassley renews his follow-up on the efforts of retired Congressman Bill Thomas, former chair of the House Committee on Ways & Means. <sup>[7]</sup> Thomas' October 2, 2006, letter to the late Myles Brand, then president of the NCAA, challenged the justification of the NCAA's tax-exempt status that helps fuel the out-of-control college sports entertainment industry. <sup>[8]</sup>

NCAA member schools are academically adrift in a sea of sports<sup>[9]</sup>—held hostage by their Athletics Departments as well as intimidated by their super-wealthy boosters and trustees. A follow up by Senator Grassley would require a good deal of political courage but could very well lead to the elimination of the prostitution of America's colleges and universities by the sports entertainment industry as well as a significant reduction in related corruption.

September 6, 2011

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## Appendix: *The Chicago Tribune* on the collegiate athletics fiasco

No time to read all the stories about the out-of-control, professional sports entertainment businesses at America's colleges and universities? The *Chicago Tribune's* September 3, 2011, Editorial, "Gut-check for college sports: A feckless NCAA needs to bring back the death penalty," can provide you with deep insights—almost all you want to know by using the sad state of affairs at University of Miami and the NCAA as salient examples. The editorial opens by introducing Nevin Shapiro, a BMOC (Big Man on Campus) at the University of Miami, at least while he was writing fat checks to the school. Now Shapiro, who is in prison for his role in a huge Ponzi scheme, is blowing the whistle on the athletics program, claiming he gave players cash, prostitutes and nights on the town, among other gifts. The editorial goes on to say:

On Aug. 16 an explosive news story became the prologue for this, the first weekend of the 2011 college football season. The top two paragraphs could hardly have been more perilous for big-money sports reeling from campus scandals coast to coast. Slowly now, so every phrase sinks in:

*A University of Miami booster, incarcerated for his role in a \$930 million Ponzi scheme, has told Yahoo! Sports he provided thousands of impermissible benefits to at least 72 athletes from 2002 through 2010.*

*In 100 hours of jailhouse interviews during Yahoo! Sports' 11-month investigation, Hurricanes booster Nevin Shapiro described a sustained, eight-year run of rampant NCAA rule-breaking, some of it with the knowledge or direct participation of at least seven coaches from the Miami football and basketball programs. At a cost that Shapiro estimates in the millions of dollars, he said his benefits to athletes included but were not limited to cash, prostitutes, entertainment in his multimillion-dollar homes and yacht, paid trips to high-end restaurants and nightclubs, jewelry, bounties for on-field play (including bounties for injuring opposing players), travel and, on one occasion, an abortion.*

These are startling admissions and accusations, thus far unproven. They come from a former but now embittered booster who was permitted to lead Miami's football team from its tunnel onto the playing field (twice), who was honored on the field by Miami's former athletic director during a game, and whose generosity to the school led to a campus lounge for athletes being named in his honor. Shapiro alleges that University of Miami officials had to suspect that he was a rogue but — in their desperation to retain a lavish donor to their athletic program — looked the other way: "I did it because I could. And because nobody stepped in to stop me." Among the alleged financial beneficiaries Shapiro has named: the Chicago Bears' Devin Hester who hasn't publicly responded.

We'd love to predict that, if Shapiro's story proves accurate, the National Collegiate Athletic Association will smite, at minimum, the university and the coaches who allegedly helped connect Shapiro with Miami athletes. (Shapiro says that, in 2008, he essentially bought Miami a basketball recruit, DeQuan Jones, paying \$10,000 to Jones' family ... with an assistant coach serving as the bagman.)

But expecting more than a relative wrist slap is a fool's errand: The NCAA is too timid to even ban teams from playing on television, and hasn't issued a so-called death penalty — forbidding a team from playing for one or two seasons — since the Southern Methodist University case in 1987.

So while honest coaches, university bosses and the trustees who nominally monitor them play by the rules, brazen scofflaws continue to cheat: In an age of million-dollar coaches and billion-dollar TV deals, the potential payoffs trump the risk of getting caught. Penalties often involve suspensions or limits on postseason play. That hasn't worked. Yet, "There isn't a public outcry to do something about a system that is so terribly broken," former NCAA investigator J. Brent Clark tells *The New York Times* "The game is too popular and the money is too big."

But the Miami case, too, is big. If the NCAA — which forever promises (and never delivers) harsher consequences — continues to be essentially useless, it will lose even more control of its realm. Expect federal or state lawmakers to start criminalizing shady conduct. Perhaps more threatening: Don't be surprised if a legislative or regulatory effort to strip college athletic programs of their nonprofit tax status gets legs.



Our favorite Miami artifact is a 2008 photo of Shapiro, the head basketball coach and school president Donna Shalala, smiling at a \$50,000 check (Shapiro says it was Ponzi scheme proceeds) he had donated. "That's the whole problem right there," Shapiro says of the picture. "Let's not kid ourselves. The whole time I was out there rocking and rolling, they were just waiting for the big check to come."

*I have used the 2004 Willie Williamx situation as an example of the incredible pressure that athletic departments, trustees, and others can put on presidents to get their way.*

—Frank Splitt, February 11, 2010

*Too bad, you are dead wrong.*

—Donna Shalala, President of the University of Miami, February 11, 2010

*As long as there are large financial stakes involved, college presidents will put dollars before academic values, and continue to demonstrate that the term “higher education” increasingly is an oxymoron—there is less and less “higher” or “education” about it. These big scandals will never stop, partly because of the financial gains possible through cheating, but more understandably because of the inherent unfairness in the present rules. Highly talented 21-year-old kids are severely punished for wanting a small share of what they would receive if labor markets operated freely in college football. The current system allows adults (coaches and their assistants) to get rich by exploiting children—a form of financial child molestation. The U.S. is the only nation in the world with this insanity, this contempt for the academic mission, this bribing of university leaders into morally dubious silence or ignorance over behavior obviously incompatible with higher education in its most ennobling sense. Maybe it is time for universities with big-time, commercially valuable sport activities to spin these programs away from the university completely.*

—Richard Vedder, August 29, 2011

***FutureVectors, Inc.***  
**Mount Prospect, Illinois**

# **COLLEGIATE ATHLETICS REFORM: TRILOGY II**

**Collegiate Athletics Reform: Lessons from Penn State**

**Collegiate Athletics Reform: Lessons from Penn State Redux**

**Collegiate Athletics Reform: Answers for *The Chronicle***

**By Dr. Frank G. Splitt**

**December 19, 2011**

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*Rule-breaking in college sports is often viewed strictly in moral terms....but it would be a mistake to ignore the powerful influence of the universities themselves and the incentives they create by attaching such importance to athletic success. Real change won't happen until university trustees, not just presidents, show they value the academic mission more than winning games.*

—Charles Clotfelter, 2011

*Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason.*

—Thomas Paine, *Common Sense*, 1776

# Collegiate Athletics Reform: Lessons from Penn State

a *CLIPS Guest Commentary*<sup>1</sup>

By Frank G. Splitt, 11-19-11

*Our guest author says change is coming—precipitated by the sex-abuse scandal at Penn State that taught a valuable lesson in human behavior.... behavior illustrating the extremes to which highly regarded school officials will go to protect their sports-entertainment business.*

**If you want answers** to questions surrounding the sex-abuse scandal at Penn State, don't think that its tragic situation is unique. Also, don't think the government isn't somewhat complicit by virtue of its subsidization of Penn State's money-making sports-entertainment business with favorable tax policy and its reluctance to impose requirements for transparency, accountability, and oversight on the NCAA cartel (the NCAA and its affiliated institutors).

The Penn State scandal is just the tip of an iceberg of cover-ups involving powerful organizations, none the least of which is the Catholic Church.<sup>2-4</sup> Colleges and universities sponsoring big-time football and basketball programs are also powerful organizations where cover-ups are most likely to be related to the school's athletics program—involving cheating, academic corruption, physical injuries, deaths, and various forms of bad, if not ruinous, behavior.

The aim of the cover-ups is to protect the school's reputation/image and legacy, its money-making and prestige-enhancing athletics program, as well as to conceal bad judgments by school officials, neutralize material witnesses, and protect perpetrators.

Cover-ups of non-sex-related scandals are relatively easy to execute since the events don't generate the collateral damage and attention-getting headlines associated with child sex-abuse. Additionally, the more powerful and revered the institution, the more difficult it becomes for anybody within it to expose bad behavior and take action.

The sex-abuse scandal at Penn State provides a valuable lesson in human behavior as it illustrates the extremes to which widely respected school officials will go to protect their sports-entertainment businesses, their coaches, and, most importantly, big tax-free money.

*The NCAA doesn't just allow too big to fail. Perhaps most disgusting of all, the NCAA profits from it. You ask how this could happen? Start with Joe Paterno and don't stop until you reach the top of the NCAA. But above all else, follow the money.—Barry Rozner<sup>5</sup>*

Although bad behavior and cover-ups can have a disastrous impact on a school's students and its educational mission, these actions are not treated accordingly within and beyond campus walls. School and government officials act as if the schools are "too-big-to-fail," and/or, are "too-popular-for-government-intervention."

To be sure, our nation's colleges and universities, as well as its citizens, are caught in a vise-like grip of sports entertainment. America's culture is reflected in the near insatiable appetite for 24/7 entertainment by its public. As Steve Salzberg has said, "The reaction of Penn State students illustrates the pathology of football culture at U.S. universities today."<sup>6</sup>

The riotous scene at Penn State after the firing of Joe Paterno has been described as surreal but should have come as no surprise if due consideration is given to the frenzy exhibited by fanatic sports fans.<sup>7</sup> Jim Dent's description of a 1964 Notre Dame pep rally is illustrative.<sup>8</sup> World-renown Notre Dame President

Fr. Theodore Hesburgh was booed by a hyped-up student crowd that was whipped into a heated frenzy. Why? They were impatient to hear from their new hero, yet unbeaten ND Football Coach Ara Parseghian.<sup>9</sup>

*This is about a culture that says the football team must be defended at all costs: a culture where the sexual assault of a 10-year-old is reported to Paterno before the police.... damn the fact that the billion-dollar logic of big-time college football leads to decisions as venal as those made in Happy Valley. — Dave Zirin<sup>10</sup>*

Given that the NCAA cartel is incapable of reforming itself,<sup>11</sup> that wealthy, powerful, and vociferous governing-board boosters are not prone to reform<sup>12</sup> (Appendix 1), and that colleges and universities have yet to step up to a leadership position,<sup>13</sup> one is led to ask about the role that can be played by the feds.

Put simply, the federal government can clean up much of the mess for which it is partially responsible.

First of all, the government can cease its laissez faire approach to collegiate athletics that is characterized by its see-no-evil-hear-no-evil-speak-no-evil behavior<sup>14</sup> as it subsidizes out-of-control athletics programs—the real elephant in the room— via favorable tax policies.

Specifically, the feds could work to drain the deep swamp of tax-free money via a change in the federal tax code. The change could be crafted to eliminate the unjustifiable tax-free status of most, if not all, big-time athletic programs by introducing measures of transparency, accountability, and oversight adequate to the task. The aim would be to assure that the NCAA cartel complies with federal requirements for tax-exemption as a nonprofit. A significant obstacle to be overcome is the U.S. Department of Education's reluctance to modify FERPA, the Family Educational Rights and Privacy Act, to block its use by the NCAA cartel to shield academic corruption in collegiate athletics.<sup>15</sup>

An alternative approach would have the feds not only apply a heavy surtax on all collegiate-athletics-related income, but necessitate compliance with the Sarbanes-Oxley Act—in effect, mandating rigor and accountability in the filing of all financial reports as well.

Still another approach would have Congress pass the collegiate-athletics-structure equivalent of the financial-structure-oriented Glass-Steagall Act to protect higher education from athletic program corruption. The structure would require large revenue-generating programs to operate independent of academic programs. In other words, students would function as students and athletes would function as fairly-compensated professional athletes. Gone would be contrived amateur student-athletes along with the NCAA's academic measures as well as its picayune rules and regulations—all designed to provide the illusion that the athletes are also bona fide students. For a fairly detailed 28-point outline of this approach, see Telander.<sup>16</sup> A summary account of a similar recommendation by George Dohrmann can be found in Appendix 2.

No doubt all of the above forms of intervention would be vigorously opposed by the NCAA cartel. However, if the Penn State scandal does not prompt intervention, then antitrust and other cases before federal courts are likely to do so. In any case, the scandal could spark a shift in America's obsessive sports culture—with moral integrity and justice valued above winning via the fruits of bad behavior—a shift that could, over time, spawn systemic change in professionalized collegiate athletics that are presently driven by greed and sustained by corruption and hypocrisy.

*Having heard all of this you may choose to look the other way, but you can never again say that you did not know.—William Wilberforce<sup>17</sup>*

## **APPENDIX 1 -- Penn State Fiasco Should Remind Trustees of Their Inherent Responsibilities**

By demanding new leadership of the university and the football team, the Penn State board of trustees set a decisive tone of responsibility and accountability for its top leaders. The trustees made it clear that those who smell smoke in College Station have the responsibility not just to yell “fire,” but to ensure help arrives. However, it shouldn’t take a scandal for boards to perform their inherent duties and to remain engaged and active on campus. In too many ways, the world of higher education is solely about reputation – not values or education. And that is why many boards and administrators end up reacting to press headlines, rather than responsibly addressing problems before they make the news. Despite massive public support, the world of universities is remarkably opaque – and that is why public support for them has been increasingly on the decline. The Penn State scandal should be a call to boards everywhere to examine their policies and procedures – from athletic department oversight to whistleblower protocols – to be certain they are fully undertaking their fiduciary responsibilities to their institutions and to the public.

The Penn State trustees have drawn a hard line to ensure that those who share even a whiff of the blame for these alleged atrocities are escorted to the door swiftly. As the smoke clears and new facts emerge about who knew what and when, let us hope that trustees across the country take note that trusteeship is, yes, an honor, but even more so, an obligation and responsibility that requires engagement and courage.

## **APPENDIX 2 – George Dohrmann’s ideas on cleaning up college sports**

Here’s how Pulitzer Prize-winning author Buzz Bissinger<sup>18</sup> presented George Dohrmann’s ideas on cleaning up the mess in college sports:

There must be changes to control the monster that college sports have become. The most radical idea, outlined in a series of recent articles by George Dohrmann in *Sports Illustrated*, is to have universities spin football and basketball programs into a separate entity, what Dohrmann calls “Football Inc.”

Players would not be full-time students because they really aren’t now anyway. (College sports have nothing to do with academics.) The teams, companies in effect, would still have university affiliation, and there would be a split of revenues at a negotiated price. Universities could rid their hands of what has become a colossal mess and just take in the money.

It is a complicated solution, maybe unworkable, but nothing is unworkable if the stakes are high enough, and the stakes are enormous. Too many universities are sports factories posing as academic institutions. The overemphasis on sports is a leading cause of America losing its competitive edge. Too many students are playing intercollegiate sports in what has become an absurdly demanding year-round commitment.

A more immediate and far easier solution would be for schools to drop teams that don’t make money. They could be turned into club teams, competitive and a lot more fun. It would not solve the problem of the football monster, but at least tens of millions in revenue from the big-time programs, instead of going to support unprofitable sports teams as they do now, could provide more scholarship money and better faculty salaries to maintain educational programs that are being cut to the bone in the current economic climate.

This would require a change in rules by the most feckless organization in America, the National Collegiate Athletic Association, which now absurdly requires that universities maintain between 14 and 16 varsity sports to qualify for the national football championship. Athletes in the non-revenue generating sports would moan. Until they were reminded they are going to college to learn, not to swing a golf club. The best place to begin desperately needed reform? Penn State, which maintains 29 varsity teams.

## NOTES

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# Collegiate Athletics Reform: Lessons from Penn State Redux

*a CLIPS Guest Commentary*

By Frank G. Splitt, 12-04-11

*In a room where people unanimously maintain a conspiracy of silence, one word of truth sounds like a pistol shot—Czeslaw Milosz*

*Our guest author extends his 11-19-11 Clips Guest Commentary, reiterating his conclusion that if the Penn State scandal does not prompt government intervention, then antitrust and other cases before federal courts are likely to do so.*

**Two significant publications** that bear directly on my previous CLIPS commentary<sup>1</sup> appeared shortly after its posting. The first was Johns Hopkins Professor Ben Ginsberg's commentary<sup>2</sup> on the benefit of having colleges and universities made subject to the requirements of the 2002 Sarbanes-Oxley Act.<sup>3</sup> The second was an op-ed by Anne Neal, the president of the American Council of Trustees and Alumni.<sup>4</sup>

Ginsberg's view is consistent with my statement, "An alternative approach would have the feds not only apply a heavy surtax on all collegiate-athletics-related income, but necessitate compliance with the Sarbanes-Oxley Act—in effect, mandating rigor and accountability in the filing of all financial reports as well." Most likely Neal would agree that "...wealthy, powerful, and vociferous governing-board boosters are not prone to reform, and that colleges and universities have yet to step up to a leadership position..."

Ginsberg proposes the following:

Before they can police the administration, however, boards must police themselves. If they are to be effective, they must be held accountable for the administrators they appoint and must, especially, be subject to tough conflict-of-interest rules. To this end, let me offer a proposal: Sarbanes-Oxley. Colleges (and perhaps other nonprofits as well) should be subject to all the requirements of the 2002 Sarbanes-Oxley Act, from which they are now largely exempt. For most of them, this would entail enhanced board accountability for administrative actions, the creation of an independent audit committee, a formal process for the identification and selection of new board members, and a strengthening of conflict-of-interest rules.

As can be seen in the Appendix, Neal communicates a powerful message to governing boards: "Every college governing board should interpret Penn State's troubles as a clear warning of what happens when institutions lose sight of their educational mission." This message becomes even more powerful when read in the light of Ginsberg's commentary.

Both Ginsberg and Neal reveal truths that cast a bright light on the elephant in the governing board rooms of colleges and universities supporting revenue generating athletics programs. The elephant, of course, is the institution's highly commercialized sports entertainment business with its professionalized teams and related issues that warp the institution's educational mission.

Unfortunately, most, if not all, governing boards are populated with very wealthy boosters whose donations buy power to corrupt by compromising their school's integrity and core academic values so as to enable it to compete at the highest level in the murky world of big-time collegiate athletics. This corruption thrives in the dark where creative accounting can tell any story a school wants to tell when it is not bound by the Sarbanes-Oxley reporting requirements.

Finally, an excellent summary of the difficulty and the attendant glacial pace of collegiate athletics reform, as well as insights into the favorable federal tax benefits enjoyed by college sports programs, are provided in a video<sup>5</sup> of a recent talk by Jim Duderstadt, President Emeritus of the University of Michigan and author of the Foreword to the sequel to “Reclaiming Academic Primacy In Higher Education.”<sup>6</sup>

All of this begs the question: Who will not only listen to the Ginsberg-Neal-Duderstadt messages, but also act to get governing boards to focus on academics and their school’s educational mission rather than athletics?

It appears that intervention by the federal government is the only way to bring about requisite action and reform. However, as concluded in my previous commentary, if the Penn State scandal does not prompt government intervention, then antitrust and other cases before federal courts are likely to do so.

In any case, the scandal could spark a shift in America’s obsessive sports culture—with moral integrity and justice valued above winning via the fruits of bad behavior—a shift that could, over time, spawn systemic change in professionalized collegiate athletics that are presently driven by greed and sustained by corruption and hypocrisy.

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## Appendix: Anne Neal on another lesson from the Penn State scandal

Anne Neal opens her *Wall Street Journal* op-ed, "Where Were Penn State's Trustees?" with "Every generation or so, a scandal emerges that not only exposes the flaws of an institution but shakes entire industries to their foundations. For higher education, that scandal should be Penn State." She goes on to say:

The unfolding events of the Penn State sports scandal show a major university that has been more interested in protecting itself than in educating students or serving the public. The institutional reckoning must begin and end with the governing board. It is responsible for the actions of university leaders, and its members owe taxpayers and students accountability and transparency.

The alleged sins of omission of football coach Joe Paterno, President Graham Spanier and others when it comes to Penn State's sports program are grave. And the board must address these tragic claims of child sexual abuse as a first priority.

But a larger question must be asked about governing boards generally: Are they fulfilling their responsibility to the students, families and taxpayers in a broader sense? Can the trustees guarantee that they are adhering to their educational purpose? The clear answer is no.

Edward Shils, distinguished service professor at the University of Chicago, saw the task of the university as the "discovery and teaching of truths about serious and important things." Could Penn State—or most other American universities for that matter—make such a claim today?

When the most highly paid employee is the football coach, not the president, it's clear something is awry. When football tickets and fancy student centers are the currency of the day, rather than affordable and quality education, clearly something is awry. When most classes are scheduled only between Tuesday and Thursday and the institutional answer is to build more buildings to accommodate the demand from 10 a.m. to 2 p.m.—as Penn State is doing—something is awry.

The health of our society depends directly on the health of our educational institutions, and we've got some work to do. In too many ways, the emphasis of higher education in general has become one of reputation building, not values or education. The instinct is to hide problems or pretend they don't exist rather than face them head on. At too many institutions around the country, we are graduating students who can't write or think critically and who won't be able to compete in the global marketplace.

It is that tragedy in education that prompted Professor Richard Arum and the American Council of Trustees and Alumni to write to 10,000 college and university trustees earlier this fall calling on them to act. In his letter, Mr. Arum did not mince words. He noted that "problems of learning in higher education are real, deepening, and demand urgent attention. . . . Institutions that fail to set meaningful expectations, a rigorous curriculum and high standards for their students are putting these students and our country's future at risk."

At the end of the day, we must hold boards accountable. Board members are acting in trust for taxpayers and students. If they do not act to ensure quality and integrity, then they are putting our students and our country's future at risk.

Faculty are typically committed to their disciplines. Administrators regularly focus on the growth of their institutions. It is the governing board's duty to address these competing priorities. It is the trustees' duty to ensure that the distinctive educational purpose of the American university remains at the forefront of every other activity.

Every college governing board should interpret Penn State's troubles as a clear warning of what happens when institutions lose sight of their educational mission.

###

*Telling the truth about a given condition is absolutely requisite to any possibility of reforming it.*

—**Barbara Tuchman**

*The day we see the truth and cease to speak is the day we begin to die.*

—**Martin Luther King Jr.**

# Collegiate Athletics Reform: Answers for *The Chronicle*

a CLIPS Guest Commentary

By Frank G. Splitt, 12-18-11

*Our guest author responds to a provocative question posed by The Chronicle and offers insights and perspectives relevant to approaches to reform as well as to the future of higher education in America*

*“What the Hell Has Happened to College Sports? And What Should We Do About It?”* were two piercing questions that headlined the front page of the December 16, 2011 issue of *The Chronicle of Higher Education*. The headline was followed by the statement: “No wonder they call it big-time sports. College athletics programs pull in about \$10.6-billion in revenue annually. But the challenges facing college sports may outweigh any dollar amount.” *The Chronicle* asked “several innovative thinkers” what they would you change, if they could. *In a nutshell, this is what they said:*

Oscar Robertson, “Don’t Treat Athletes Like Gladiators”

Frank Deford, “Bust the Amateur Myth”

William C. Friday, “Get Out of Show Business”

C. Thomas McMillen, “Eliminate the Profit Motive”

Harry Edwards, “Share the Wealth”

Nancy Hogshead-Makar, “Tie Money to Values”

Richard H. Thaler, “Kiss the BCS Goodbye”

Len Elmore, “Exempt the NCAA From Antitrust”

*The Chronicle* asked readers to share their thoughts as well. My thoughts were posted on *The Chronicle’s* website<sup>1</sup> and were as follows:

**What the Hell Has Happened to College Sports?** – The simple answer to the question is that nothing has happened to college sports that hasn’t been the subject of numerous books and essays over the past eight years or so. See “Splitt Essays.”<sup>2</sup>

Over the years, the NCAA has not only made a number of rule changes that have emphasized athletics over academics so as to move its big-time football and men’s basketball programs to professional levels suitable for feeding the NFL and NBA, but has also demonstrated an amazing ability to avoid serious reform. For example, the NCAA has resisted providing college athletes meaningful opportunities to function as real students by not agreeing to:

- a) Restore first-year ineligibility for freshmen with expansion to include transfer athletes;
- b) Reduce 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;
- c) Restore multiyear athletic scholarships—five-year scholarships that can’t be revoked because of injury or poor performance;
- d) Require athletes to honor the terms of their multiyear athletic scholarship with appropriate penalties to the school and athlete for broken commitments such as ‘one and out’ to the NBA.

Unfortunately, until the Penn State scandal, scant heed has been paid to the mounting evidence of greed, corruption, and hypocrisy that has come to characterize big-time college sports.

**And What Are We Going to Do About It?** – The complete answers provided by *The Chronicle’s* “several innovative thinkers” can be found at *The Chronicle* story website.<sup>1</sup> These answers are to be compared to recommendations made by The Drake Group in “Comments by The Drake Group on the Draft of a Redesigned IRS Form 990,”<sup>3</sup> and in two 2009 open letters to President Obama.<sup>4</sup> There follows a bit of historical background on the latter.

Beginning in July 2004, the abuse of FERPA (the Family Educational Rights and Privacy Act) by the NCAA cartel, the NCAA and its member institutions, formed the basis for The Drake Group’s persistent efforts to have the U.S. Department of Education (DOE) and the U.S. Congress pressure the cartel to incorporate measures of transparency, accountability, and

s

oversight into their operations so as to expose the corruption and hypocrisy that lies at the heart of the cartel's commercialized and professionalized big-time sports entertainment businesses.

Unfortunately, the DOE has avoided the issue and, with the notable exception of Senator Charles Grassley (R-Iowa), serving members of Congress have not dared endorse The Drake Group's appeal for "sunshine" in collegiate athletics—apparently fearing retribution by constituents, wealthy boosters and rabid sports fans to the extent that such an endorsement would necessitate giving up their political careers. The net result of Congressional paralysis is that the dirty business of government-subsidized, professional college sports could be with us for a good long time unless and until responsible leadership is engaged to restore integrity in collegiate athletics.

To that end, The Drake Group's letters to President Obama state and restate a request for help by way of assistance to Senator Grassley in his efforts to enforce compliance to federal requirements for tax exemptions with an added appeal—for the President Obama's personal intervention in college sports via a recommendation to establish an Office of the Commissioner of Intercollegiate Athletics. The latter appeal was motivated not only by the NCAA cartel's obstinate resistance to serious reform, but also its success in co-opting organizations that work with it with the intention of bringing about significant reform.

A thoughtful reading of the Drake's comments on the revised IRS Form 990 and its two letters to President Obama as well as the author's most recent commentaries<sup>5</sup> should provide insights and perspectives relevant to alternative approaches to reform as well as the future of higher education in America

It remains to be seen whether or not President Obama and his administration have the political will and the courage to look beyond the problems associated with college football playoffs and NCAA *March Madness* tournament bracketing to address the really serious issues related to the NCAA cartel's FERPA-enabled professionalization of big-time football and men's basketball programs.

Experience indicates that intervention by the federal government is the only way to bring about requisite action and reform. However, if the Penn State scandal does not prompt government intervention, then antitrust and other cases before federal courts are likely to do so.

In any case, the scandal could spark a shift in America's obsessive sports culture—with moral integrity and justice valued above winning via the fruits of bad behavior—a shift that could, over time, spawn systemic change in professionalized collegiate athletics that are presently driven by greed and sustained by corruption, hypocrisy, and the absence of government oversight.

**Frank G. Splitt** is the former McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University, and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. He is a member of The Drake Group and the College Sport Research Institute's Advisory Committee, University of North Carolina at Chapel Hill.

A complete listing of links to his essays and commentaries on college sports reform can be found at <http://thedrakegroup.org/splittsays.html>

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**Mount Prospect, Illinois**

## **PART 12: 2012**

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# **Collegiate Athletics Reform: A Collection of References from the *National Catholic Reporter***

**Truth telling on campus (Frank G. Splitt)**  
*Catholic colleges and universities could lead the way*  
Letter re: Fr. Jenkins Essay on Catholic Identity

**March Madness highlights sports vs. academics dispute (Joe Feuerherd)**  
*Big money, pressure to perform distort purpose of athletics, critics claim*

**Time for accountability in sports (Frank G. Splitt)**  
*Corrupt collegiate athletics overshadow faltering academic mission*

**Penn State's scandal throws light on the church's (Tom Roberts)**  
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**NCR Editor's Note on Brain Injuries (Dennis Coday)**

**Catholic silence on football risks (Ken Briggs)**  
*While studies raise alarms about long-term effects of repeated blows to the head, there is little discussion of ethics*

*Prepared for distribution at the April 19-21, 2012, Scholarly Conference on College Sport, sponsored by the University of North Carolina at Chapel Hill's College Sport Research Institute, to be held at the William C. Friday Center for Continuing Education on the campus of the University of North Carolina-Chapel Hill*

**By Dr. Frank G. Splitt**

**February 21, 2012**

*Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason. (1776)*  
—Thomas Paine, *Common Sense*

*Big-time college sports do far more damage to the university, to its students and faculty, its leadership, its reputation and credibility, than most realize--or at least are willing to admit....Far too many of our athletics programs exploit young people, recruiting them with the promise of a college education—or a lucrative professional career—only to have the majority of Division 1-A football and basketball players achieve neither....have put inappropriate pressure on university governance, as boosters, politicians, and the media attempt to influence governing boards and university leadership....have damaged university culture and values, with inappropriate behavior of both athletes and coaches, all too frequently tolerated and excused. So too, the commercial culture of the entertainment industry that characterizes college football and basketball is not only orthogonal to academic values, but also corrosive and corruptive to the academic enterprise. (2000)*

—James J. Duderstadt, President Emeritus, University of Michigan

*To millions of Americans, not least those rooting for one of the nine Catholic universities participating in this year's men's National Collegiate Athletic Association (NCAA) Division I basketball tournament, March Madness is a time of near nirvana:...But to others, including some increasingly vocal university faculty members, it could hardly be worse. March Madness, they say, is not innocent fun and games, but an aptly named symptom of an insanely organized and increasingly commercialized college sports system badly in need of an intervention. (2007)*

—Joe Feuerherd

*The NCAA's front business is amateurism. The whole operation—the rules and regulations, the investigations, the seminars on balancing academics and athletics, and the ludicrous term student-athlete—are designed to hide the real business the NCAA and their participating schools are engaged in: extortion. Viewed in the harshest—I would say "candid"—terms, they are extorting money from the (mostly poor and mostly black) kids who provide the raw material for the sports-entertainment business that generates billions of dollars for the NCAA and participating schools every year. (2010)*

—Mark Yost, *Varsity Green: Behind the Scenes Look at Culture and Corruption in College Athletics*

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FAX: 1-816-968-2280*

## DEDICATION

*This collection of references on collegiate athletics from The National Catholic Reporter is dedicated to the memory of Joe Feuerherd who demonstrated uncommon courage—as a correspondent, editor and publisher—when dealing with contentious, politically sensitive issues.*

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# PROLOGUE

“A few millennia from now, when archaeologists from an ascendant Brazil or Turkey or wherever sift the shards of American civilization and find the ruins of the Big House in Ann Arbor, Mich., they will wonder why a 109,901-seat entertainment venue was attached to an institution of higher education”—so began George Will’s November 10, 2011, *Chicago Tribune*, op-ed, “What it was, was football.”

Will went on to say: “Today, the accelerating preposterousness of big-time college football is again provoking furrowed brows and pursed lips.... It is arguable, if not easily demonstrable, that universities' athletic successes cause increased student applications and alumni giving. Such giving matters increasingly as states' appropriations decrease. But even if true, this raises a question: Is the football industry as currently conducted an efficient way to do this? This is, in several senses, an academic question.... Today, the muscular interests around, and institutional momentum of, big-time football make it impervious to reform. Agitation, in several senses, will continue.”

If any of the archaeologists were at all familiar with Catholic teachings on ethics and morals as well as the considerable research on the decline of higher education in America as it became adrift in sports, they might also wonder why Catholic colleges and universities invested so heavily in similar stadia and other athletics facilities—sacrificing integrity, moral values, credibility and reputation in a Faustian-like bargain for fame and fortune.

Further still, they might wonder why these Catholic schools did not take a leadership position in curbing “the accelerating “preposterousness of big-time college football”....preposterousness that includes prioritization of athletics over academics, academic corruption, violence-prone athletes, performance-enhancing drugs, skyrocketing athletics budgets, low graduation rates for athletes who actually play, retaliation against whistle-blowing faculty members, and limited ability of athletes to obtain a real college education.

A recompiled collection of these references—beginning with the late Joe Feuerherd’s piece, “March Madness highlights sports vs. academics dispute” followed by “Time for accountability in sports,” Tom Roberts’ piece on how the system conceals the truth, and then Ken Briggs’ focus on brain trauma in “Catholic silence on football risks” set the stage for “Truth telling on campus”—form a veritable primer for Will’s hypothetical archaeologists.

As suggested in “Telling the truth on campus,” the presidents of our Catholic colleges and universities could be moved to solicit advice from their faculty and others on the place of the value-distorting, sports entertainment business in their schools. They might even go so far as to provide independently verifiable evidence that their athletes are bona fide, degree seeking students. For example, they could publish aggregated academic data from cohorts of football and basketball team athletes – providing the names of the faculty (along with the title of the courses and course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time (athletic) job, miss numerous classes, and come dead tired to others.

This would be a breakthrough of historic proportions since getting institutions of higher education to tell the truth by making public information on how they do, or don't, educate athletes has been a long and arduous battle—as Paul Gallico wrote some 70 years ago in *FAREWELL TO SPORT*, “One of the easiest things in the world is not to have evidence when evidence is liable to prove embarrassing.”

Barbara Tuchman has said, “Telling the truth about a given condition is absolutely requisite to any possibility of reforming it.” But as will become clear in this collection of references, the truth is especially hard to get when really big money is at stake.

Finally, my thanks go to Ken Briggs for sharing his insights as well as to the editors and publishers of *The National Catholic Reporter* for permission to reprint the copyrighted material in this collection.

Frank G. Splitt

February 21, 2012

# Truth telling on campus

*Catholic colleges and universities could lead the way*

By Frank G. Splitt

Posted at *Collegiate Athletic Clips*, March 7, 2006

In a cover story based on an earlier speech to his faculty, Fr. John Jenkins, C.S.C., the new president of the University of Notre Dame, discussed issues surrounding the ability of institutions to maintain their Catholic identity while sustaining academic freedom [1].

Jenkins centered compelling observations on two of the three controversies that have swirled about the university in recent years – the fate of “The Vagina Monologues,” a play celebrating women’s sexuality, and the Queer Film Festival, devoted to gay and lesbian cinema – signaling a willingness to exercise his authority only after broad consultation.

This willingness is really encouraging since it stands in stark contrast to the handling of the third controversy that attracted considerably more media attention than the others. It involved the termination of Tyrone Willingham – breaking the university’s long-standing tradition of honoring its contract commitment to their football coach.

The termination was accomplished by a small group of trustees and university officials -- including then incoming president Fr. Jenkins – apparently without listening to and taking seriously contrary voices and prompting then president Fr. Edward Malloy to say he was “embarrassed to be president of Notre Dame” [2]. Unfortunately, incoming and sitting presidents are in no position to oppose the will of prominent and wealthy sports boosters, especially those that sit on governing boards.

This action allowed the university to quiet rabid fans and alums that were threatening to withhold contributions as well as hire a new pro-level coach. The expectation? – an accelerated return of Notre Dame’s football program to national prominence and really big money. To many, the action signaled the end of an era at Notre Dame as it adopted the win-at-any-cost business model of its competitors and provided yet another example of the ability of money to trump principle. No longer can it be said that Notre Dame stands above the mess in the world of the big-time (Div 1A) college-sports entertainment business that, all too often, displays hallmarks of hypocrisy, secrecy, deceit, and deception.

The college-sports entertainment business not only maintains a virtual stranglehold on America’s institutions of higher education, but also serves as a major distraction from their academic mission – undermining America’s ability to face up to global realities [3, 4]. It also spawns varying degrees of academic corruption with a corresponding need to keep the public and the Congress in the dark. The dearth of academic skills and knowledge imparted to athletes, whose primary aim is to play professionally, is shrouded by the Buckley Amendment to the Family Educational Rights and Privacy Act that impedes truth telling – effectively shielding academic corruption in intercollegiate athletics.

But there could be good news in all of this.

Paraphrasing a related editorial [5] – for reasons that go far beyond the merits of a single film festival or play, the experiment in broadly based dialogue at Notre Dame bears careful watching. It could very well serve as a model for a much wider discussion on the Catholic identity of its institutions as well as a discussion of the hypocrisy related to the big-money sports programs on its college and university campuses.

The presidents of our Catholic colleges and universities could be moved to solicit advice from their faculty and others on the place of the value-distorting, sports entertainment business in their schools. They might even go so far as to provide independently verifiable evidence that their athletes are bona fide, degree seeking students. For example, they could publish aggregated (Buckley-compliant) academic data from cohorts of football and basketball team athletes – providing the names of the faculty (along with the title of the courses and course GPA) who are providing university-level courses for many academically unprepared athletes who have a full-time (athletic) job, miss numerous classes, and come dead tired to others.

This would be a breakthrough of historic proportions since getting institutions of higher education to tell the truth – making public information on how they do, or don’t, educate athletes has been a long and arduous battle. As Paul Gallico wrote some 70 years ago in *FAREWELL TO SPORT* (with reference to the Amateur Athletic Union): “One of the easiest things in the world is not to have evidence when evidence is liable to prove embarrassing.”

Perhaps, the University of Texas, the University of Southern California, Ohio State University, Duke University, the University of Connecticut, Florida State University, the University of Michigan, and other top-ranked schools in college sports might also be moved to tell the truth about how they manage to maintain eligibility for their athletes as well as avoid being punished by the NCAA’s new Academic Progress Rate measure that has hurt lesser-ranked schools [6].

Stranger things have happened, but just don’t bet on it happening without government intervention.

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## ***The National Catholic Reporter: Letter to the Editor***

***NCR Editor's Note: In the Feb. 10 issue, NCR printed a talk given to the University of Notre Dame faculty Jan. 23 by Holy Cross Fr. John I. Jenkins, the university's new president, Fr. Jenkins addressed controversy about whether the university should allow the Queer Film Festival and "The Vagina Monologues" to be presented on campus and what that controversy had to say about academic freedom and Catholic identity. [http://www.ncronline.org/NCR\\_Online/archives2/2006a/021006/021006a.php](http://www.ncronline.org/NCR_Online/archives2/2006a/021006/021006a.php).***

March 31, 2006

### **RE: Fr. Jenkins February 10, 2006, Essay on Catholic Identity**

Fr. John Jenkins centered his observations on two of the three controversies that have swirled about the university in recent years, signaling a willingness to exercise his authority only after broad consultation. This willingness is encouraging because it stands in stark contrast to the handling of the unmentioned third controversy that attracted considerably more media attention. It involved the termination of Tyrone Willingham, which broke the university's long-standing tradition of honoring its contract commitment to its football coach and prompting then-president Fr. Edward Malloy to say he was "embarrassed to be president of Notre Dame."

The termination was accomplished by a small group of trustees and university officials, including then-incoming president Fr. Jenkins. To many, this signaled the end of an era at Notre Dame as it adopted the win-at-any-cost business model of its competitors. No longer can it be said that Notre Dame stands above the mess in the world of the big-time (Division 1A) college-sports entertainment business that maintains a virtual stranglehold on America's institutions of higher education.

The film festival and the "Monologues" represent low-hanging fruit. Suppose these programs produced net annual revenues — including alumni contributions — exceeding those of the football program. Now that would really stimulate debate and help clarify values, illuminating the propensity of money to trump principle.

FRANK G. SPLITT  
Mount Prospect, Ill.

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**Author's Note:** This letter formed the basis for the essay, "TRUTH TELLING ON CAMPUS Catholic colleges and universities could lead the way."

NOTE: *College Athletics Clips* was the first to publish the Guest Commentaries. They were posted on *Clips* with the permission of the author. The opinions, intimations, conclusions and inferences contained within these essays and commentaries are solely those of the author; they do not reflect the opinions or endorsement of *College Athletics Clips* or Northwestern University.

***In the last 10 years big-time college sports has definitely swamped academic values and transformed big-time college athletes into paid employees in a multibillion dollar industry. (2007)***

**—Allen Sack, Professor, University of New Haven, President Elect, The Drake Group**

# March Madness highlights sports vs. academics dispute

*Big money, pressure to perform distort purpose of athletics, critics claim*

Used with the permission of *THE NATIONAL CATHOLIC REPORTER*

March 23, 2007

By Joe Feuerherd

*Washington* – To millions of Americans, not least those rooting for one of the nine Catholic universities participating in this year's men's National Collegiate Athletic Association (NCAA) Division I basketball tournament, March Madness is a time of near nirvana: Crack open a beer, curl up on the couch and watch endless hours of highly skilled undergraduates soaring over 10-foot rims. It doesn't get any better.

But to others, including some increasingly vocal university faculty members, it could hardly be worse. March Madness, they say, is not innocent fun and games, but an aptly named symptom of an insanely organized and increasingly commercialized college sports system badly in need of an intervention.

The problem is most severe, critics say, among the "revenue-generating" programs -- men's football and basketball. CBS Television, for example, paid \$6 billion in 1999 for the rights to broadcast the NCAA tournament through 2014.

"In the last 10 years big-time college sports has definitely swamped academic values and transformed big-time college athletes into paid employees in a multibillion dollar industry," said Allen Sack, a University of New Haven sociologist and coauthor of *College Athletes for Hire: The Evolution and Legacy of the NCAA's Amateur Myth* (Praeger Publishers, 1998). Sack's views were shaped as much on the gridiron as in the ivory tower: He was a starting defensive end for Notre Dame's 1966 national championship football squad.

A critical juncture was reached last year, Sack told NCR, when NCAA president Myles Brand "crossed the line" by embracing the commercial aspects of university athletic programs.

In his annual "state of the association" address, Brand said, "Commercial activity, meaning for example, the sale of broadcast rights and logo licensing, is not only acceptable, but mandated by the business plan, provided that [emphasis in the original text] it is done so in a way that fully respects the underlying principles of the university.

"Instances in which advertising is offensive, in which it is crass or overwhelming, are incompatible with these values," he continued. "But commercialism per se [emphasis in the original text] is not. It depends entirely on how the commercial activity is conducted."

Sack does not buy the notion that the hunt for big bucks has little impact on the academic life of college athletes or the culture of a university. "Making billions of dollars and making more and more every year heightens the pressure on college coaches to win, makes television ratings far more important than ever before, and thereby takes this pressure that is now on the coaches to win, or else they will be fired, and pushes that pressure down to the athletes. That's inevitable."

Corruption is nothing new to collegiate men's basketball and football.

In 1906, the NCAA was created at the behest of President Teddy Roosevelt to combat the brutality present in men's football. Among the group's first findings: Athletic scholarships were incompatible with higher education and amateur intercollegiate athletics because they amounted to payments to players.

In 1950, players for the national championship City College of New York basketball squad were charged with "shaving points" -- intentionally scoring less than they might have otherwise to allow gamblers to "cover the spread" on their bets. Similar gambling-related scandals hit St. Joseph's of Philadelphia in 1961 (the school was stripped of its third-place finish in the championship tournament as a result), Boston College in the late 1970s, and Northwestern and Arizona State in the 1990s.

More recently, in 2004, Colorado State University was rocked by a recruiting scandal in which prospective football players, teenagers all, were supplied with alcohol and prostitutes as an inducement to sign with the Rams. That type of recruitment technique, frequently the product of overzealous alumni boosters, led former University of Nevada-Las Vegas head basketball coach Jerry Tarkinian to comment that he preferred transfer students to incoming freshman because "their cars are already paid for."

## **NCAA's harshest critic**

Founded in 2000, the Drake Group (so named because it was the brainchild of retired Drake University professor Jon Ericson) has emerged as both the NCAA's harshest critic and chronicler of collegiate athletic corruption. Among its more vocal members is Frank Splitt, a one-time semi-pro baseball pitcher, holder of nine patents, and, until recently, a faculty fellow in engineering at Northwestern University.



His indictment of college sports is both well-informed and harsh. It includes:

- Admission standards for athletes that often have more to do with tackling, blocking, throwing, shooting and dribbling skills than SAT scores.
- Skyrocketing athletic budgets (including long-term debt associated with the construction of new football stadiums and basketball arenas) at the expense of academic programs. Spending on athletic programs has increased at about twice the rate of other university spending.
- Pressure on faculty to pass nonperforming students who are key to the success of a schools' basketball or football programs.
- Retaliation against faculty members who blow the whistle on plagiarism and other academic abuses by athletes and their athletic department-sponsored tutors.
- Programs that require time and travel commitments from players that make class attendance sporadic at best, impossible at worst.
- Seven-figure salaries (and separate product endorsement deals that flow from their position at the university) for the most coveted coaches.
- Scandalously low graduation rates for Division I basketball and football players.

The only way to true reform, says Splitt, is for Congress to intervene. Lawmakers should use the stick of potentially withholding a school's valuable tax exemption, says Splitt, in return for concrete steps to guarantee that student-athletes are students first and foremost.

His efforts have gotten some attention in Congress and from the NCAA.

In a 25-page October 2006 letter, then-House Ways and Means Committee Chairman Bill Thomas, R-Calif., wrote to NCAA president Brand, "Educational organizations comprise one of the largest segments of the tax-exempt sector, and most of the activities undertaken by educational organizations clearly further their exempt purpose."

He continued, "The exempt purpose of intercollegiate athletics, however, is less apparent, particularly in the context of major college football and men's basketball programs.

"Corporate sponsorships, multimillion-dollar television deals, highly paid coaches with no academic duties, and the dedication of inordinate amounts of time by athletes to training lead many to believe that major college football and men's basketball more closely resemble professional sports than amateur sports," wrote Thomas. "Beyond rules prohibiting compensation for college athletes, what actions has the NCAA taken to 'retain a clear line of demarcation' between major college sports and professional sports?"

Brand responded, "The lessons learned on the football field or men's basketball court are no less in value or importance to those student-athletes than the ones learned on the hockey rink or softball diamond -- nor, for that matter, than those learned in theater, dance, music, journalism or other non-classroom environments.

"If the educational purpose of college basketball could be preserved only by denying the right to telecast the events, students, university faculty and staff, alumni, the institutions of higher education themselves and even the American taxpayer would ultimately lose," he continued. "The scale of popularity and the media attention given to football and men's basketball do not forfeit for those two sports the educational purpose for which they exist."

### **He removed Bobby Knight**

Brand, in fact, has positioned himself as a reformer. As president of Indiana University in 2000, he led the charge to remove controversial basketball coach Bobby Knight as coach of the Hoosiers perennially winning and much beloved basketball team.

Brand says the NCAA has instituted new programs, including the loss of athletic scholarships for schools with failing grades in athlete graduation rates, that are making university presidents more accountable and athletes more academically oriented.

Brand notes, for example, that the "Graduation Success Rate" -- a measure developed by the NCAA to track athlete progress -- is higher among Division I athletes (with 77 percent graduating within six years) than among the general student population. "There is little that frustrates me more than critics of college sports who get the facts wrong and make derogatory comments about the academic accomplishments of student-athletes," Brand said in his January "state of the association" speech.

He continued, "Critics pounce on the point that football and male basketball student athletes graduate at lower rates than the general male student population. They are right, and improvement is needed. But they very often fail to note some key exceptions and overall

improvement," including the fact that African-American football and basketball players are more likely to graduate than their counterparts in the general student population. "We do need to do better in higher education in graduating African-Americans, but in athletics, we have, in fact, made genuine progress," said Brand.

Still, argue Splitt and others, it will take more than incremental changes from the NCAA to counter the so-called "Flutie Effect" -- the positive impact a high-profile sports program is thought to have on the quality of an admissions pool, alumni morale and fundraising. The trend bears the name of former Boston College quarterback Doug Flutie, whose last minute "Hail Mary" pass in the 1984 Orange Bowl resulted in both a victory for the Eagles and widespread positive publicity for the Jesuit-run school, which experienced a spike in both admissions and the quality of applicants as measured by their SAT scores.

Meanwhile, the pressure to perform is felt acutely at the University of Notre Dame, said Sack of his alma mater. And though the school has a justified reputation for academic achievement among athletes, he said, "they are hanging on a very thin thread." The university's multiyear, multimillion dollar television contracts with NBC and ESPN increases the pressure to win so that those games remain popular with viewers and the contracts are renewed.

That pressure was evident in late 2004 when the university fired football coach Tyrone Willingham in the third year of a five-year contract. Willingham's teams finished 21-15 during his tenure, not good enough for a school that traces its gridiron roots to Knute Rockne and hopes to keep the television revenue pouring in. Willingham's dismissal was a first for the Fighting Irish, which had not previously let a football coach go prior to the end of his contract.

On one level, at least, the move seems to have paid off. Under coach Charlie Weis the team finished 10-3 in 2006.

Notre Dame's Golden Dome is a far cry, perhaps, from the two Division III schools, the University of Scranton and The Catholic University of America, where Jesuit Fr. William Byron served as president. The football coach at Scranton, recalled Byron, held practice for two hours each day, from 6:30 in the morning until 8:30, because a number of the players were premed majors who needed to be in the laboratory in the afternoon. "It was a great balance between academics and athletics," he said.

Byron served on the NCAA presidents' committee in the 1980s, a body designed to move some of the decision-making authority for sports from university athletic directors to university presidents. He's convinced that there is no absolute contradiction between bigtime sports and bigtime academics, noting that schools such as the University of Michigan and Penn State are renowned for both their athletic prowess and their capabilities as research and teaching institutions. It's not brain surgery, said Byron: "If you're going to have a college athletic program, you have to stick to your principles and stay within the guidelines."

### **Guidelines should change**

Those guidelines, however, should change, argues Sack. Though the NCAA considers such reforms "radical," he said that three changes in NCAA rules would go a long way toward restoring the balance he says is missing in universities that mount major sports efforts.

First, freshman should be ineligible for varsity basketball and football. "It's unconscionable for a young man or woman with marginal academic skills" to have to deal with the pressure of Division I competition while adjusting to the changes inherent in the first year away from home, Sack said.

Next, he said, require students to maintain a 2.0 grade point average. It's not too much to expect a legitimate student to have a "C" average, said Sack.

Finally, the NCAA should require schools to provide five-year scholarships that cannot be terminated for reasons unrelated to academics. Such a move, said Sack, would demonstrate the school's commitment to the student athlete is not contingent on performance on the basketball court or football field.

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***It is certainly plausible and even probable that the directors and others within the Penn State community were influenced in its actions by what has occurred in Catholic circles. Denial, cover-up, excuses simply don't work. They merely extend the crisis and drain the institution of credibility. (2011)***

**—Tom Roberts**

# Time for accountability in sports

*Corrupt collegiate athletics overshadow faltering academic mission*

*National Catholic Reporter* publication date: November 14, 2008

Section: S. Special Section *Catholic Colleges & Universities – Viewpoint*

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By FRANK G. SPLITT



-- Photos by Dreamstime.com

As evidenced by the plethora of scholarly articles and books on college sports reform, there can be little doubt as to the disingenuous, tax-avoiding nature of bigtime collegiate athletics -- especially in the football and men's basketball programs franchised by the National Collegiate Athletics Association. Unless Congress gets involved, America's system of higher education will continue to be held hostage to the professionalized collegiate sports entertainment industry. Sadly, this system includes many of our Catholic schools, which, rather than being leaders in college sports reform, have been willful participants in this money-focused, win-at-any-cost industry.

There has been a growing sense of frustration among reform-minded faculty over the lack of bipartisan follow-up in Congress on the strong effort of retired Rep. Bill Thomas, R-Calif., the 109th Congress' House Ways and Means Committee chairman, to have the NCAA provide justification for its tax-exempt status. Also contributing to this sense of frustration are the political obstacles faced by Sen. Charles Grassley, R-Iowa, past chairman and now ranking member of the Senate Finance Committee, in his effort to significantly improve the transparency, accountability and oversight of the NCAA's operations. It was Grassley who once said: "Big money, tax-free and no oversight have created a cesspool in too many cases."

## Perhaps the time has come

However, today's financial crisis could very well precipitate a dramatic shift away from the federal government's laissez-faire "oversight" of America's financial system and business enterprises. The turmoil on Wall Street, along with seized-up credit markets, shrinking endowments and reductions in state funding, is shaking the financial foundation of higher education.

Adding to the problem is a stealthy byproduct of bigtime college athletics programs that comes in the form of debt incurred via enormous investments in football stadiums, basketball arenas and academic centers for athletes, all of which are part of the runaway athletic-facilities arms race.

There are striking parallels between the uncontrolled, greed-driven, anything-goes operations and excesses on Wall Street, with its misrepresentation of material assets in the form of disadvantaged financial instruments, and those in the NCAA's college sports business, with its misrepresentation of material assets in the form of disadvantaged academic instruments -- so-called student-athletes. In articles exploring the roots of America's financial crisis, there has been a mantra-like repetition of *transparency, accountability, oversight* as a path to help ensure business integrity. This could very well mean more intense scrutiny and rule-setting to curb excessive commercialization and corruption in college sports.

In the near term, sporting events sponsored by the NCAA will serve as convenient distractions -- diverting the public's attention from our nation's economic woes. In the long term, congressional scrutiny of the tax-exempt status of the NCAA and its franchisees could explode the student-athlete myth and thus have a negative impact on the professional level of play in their bigtime athletic programs -- forcing the NBA and the NFL to operate their own minor leagues.



With few exceptions, America's colleges and universities are deteriorating while on a government-subsidized quest for sports-related revenues -- abandoning their souls, compromising their integrity and warping their academic missions. Unfortunately, there are no visible means to reverse what appears to be a downward spiral into a pervasive beer-and-circus modus operandi at these institutions. This scenario and its potentially catastrophic consequences are either invisible to or ignored by the general public as well as those in the highest circles of the U.S. government.

There is little public outrage over drugs and corruption in college sports -- likely a combination of public apathy and the superb job done by NCAA public relations. In the end, tolerating cheating in college sports via performance-enhancing drugs and academic corruption appears to be preferable to confronting the formidably resourced NCAA and its member institutions. As Stephen Ross, chairman of Penn State's Sports Law Institute, has put it: "Congress only cares if the people they talk to care." So, if their constituents aren't complaining, they aren't either.

Meaningful reform in collegiate athletics will certainly not be led by those with a vested interest in the status quo: the NCAA, college and university presidents, governing boards, coaches, and athletic conferences. Similarly, experience indicates that the Knight Commission on Intercollegiate Athletics and the U.S. Department of Education, as well as state/regional accreditation boards, are not up to the task. Faculty-based, reform-minded organizations such as the the Drake Group and the Coalition on Intercollegiate Athletics can help lead the way, but simply do not have the wherewithal to confront the collegiate sports entertainment industry by themselves, without the help of Congress.

### **The tax-exempt purpose**

The history of college sports reform tells us that no matter how compelling the arguments for corrective measures, market and political realities dictate that nothing of consequence will be done for a variety of reasons, not the least of which are an abundance of corrupting, tax-free money and related benefits at stake. Also, members of Congress -- like sitting school presidents -- want to keep their jobs, and so look the other way, separating what they think is right from what they think will work.

Consequently, the slow but sure decline of America's educational system will continue, unless and until 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" -- demanding 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.

Under normal circumstances, it is most likely that Grassley's congressional colleagues would simply continue to ignore the issue -- leaving him to stand alone in his effort to have the NCAA justify its tax-exempt status. Under this circumstance, reform would not come anytime soon, if ever, no matter how corrupt, disingenuous and debilitating the operations of the collegiate sports industry continue to be.

### **Reform not dead**

In spite of this pessimistic view, reform is not dead, for these are definitely not normal times. Today's epic financial crisis coupled with the rise of intense global competition may serve as a loud and compelling wake-up call for Americans at all levels to rise above their obsession with professional-level college sports entertainment -- coming to understand that the continuation of this obsession would not bode well for the future of higher education in America as well as for America's stature on the world stage. This understanding could pave the way for America's colleges and universities to reprioritize their values -- making capital and human resource investments that place academics well above athletics.

The persistent efforts of Sen. Grassley and reform-minded faculty organizations such as the Drake Group and the Coalition for Intercollegiate Athletics could help catalyze a process whereby college sports reform would come sooner rather than later. Only time will tell if Congress and the American public hear and respond to the wake-up call. We can only hope it will be Catholic colleges and universities that lead the way.

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# **Penn State's scandal throws light on the church's**

## *Abuse and cover-up: Penn State's Catholic-like scandal*

*PERSPECTIVE*, Nov. 25-December 8, 2011

By Tom Roberts

It is rare, if not unprecedented, that the Catholic church could take a lesson from a secular university's football program. But the recent events surrounding Penn State's vaunted football culture is indeed instructive on several levels.

### ***Analysis***

It is rare, if not unprecedented, that the Catholic church could take a lesson from a secular university's football program. But the recent events surrounding Penn State's vaunted football culture is indeed instructive on several levels.

For one, it helps explain why the child sex abuse scandal in the church seems never-ending. It also illustrates anew that while legal and administrative responsibilities toward children are ignored at an institution's peril, our moral obligation toward children is paramount and self-evident even in an avowedly nonreligious setting.

Jerry Sandusky, a former assistant football coach at Pennsylvania State University, has been charged with sexually abusing eight young boys over a 15-year period. Two university officials, former athletic director Tim Curley and former finance official Gary Schultz, have been charged with failing to report Sandusky to police after they were told of an incident in 2002.

The parallels between what happened at Penn State and what has happened for decades throughout the Catholic community in the United States and in other countries are striking.

The patterns outlined in the 40-count indictment charging Sandusky are familiar: the grooming of vulnerable youth, using a trusted position and stature within the community to gain access to children and to fend off suspicion, descriptions of fondling and rape of children, reports of abuse being minimized, and a continued toleration of the abuser within a protective culture.

The charges, the description of the offenses and the reactions of those with the authority and power to report the alleged offender to police are interchangeable with those in the grand jury reports and documents both released and still hidden within the culture of the Catholic hierarchy.

The impulses also appear identical. The instinct is to protect first the institution and its prevailing culture at all costs, minimize the offense and ignore the damage to the children involved.

The differences, too, are striking. Penn State University has a board of directors, and it demanded accountability.

Within days of Sandusky's arrest, 84-year-old Joe Paterno, one of the most celebrated and revered coaches in modern college football history, was gone. His offense? He didn't do enough. He wasn't charged with a crime. In fact, it is reported he told superiors of one incident. But he didn't go to the police, didn't follow up to see what had been done and didn't pursue concern about the welfare of the children involved.

He was fired along with Graham B. Spanier, described in a *New York Times* report as "one of the longest-serving and highest-paid university presidents in the nation, who has helped raise the academic profile of Penn State."

In contrast, in the ongoing abuse crisis in the church, only one bishop who oversaw a cover-up, Cardinal Bernard Law, was removed from a position after public outrage and the outrage of his priests in Boston reached such a pitch that the Vatican had to do something. That something was to transfer him to a cushy position in Rome, where it was easier for him to get to the meetings of the six influential Vatican congregations -- offices in the Vatican bureaucracy -- on which he was allowed to retain membership.

He recently hosted a lavish party in Rome to celebrate his 80th birthday. It was attended by some of the top figures within the Vatican bureaucracy.

Cardinal Anthony Joseph Bevilacqua, who oversaw the cover-up of hideous crimes against children committed by numerous Philadelphia priests, was able to slip quietly into retirement on the grounds of St. Charles Borromeo Seminary in Overbrook, a suburb of Philadelphia. The Vatican never uttered a word of reprimand for the institutional harm to children that he helped to hide during his tenure and that is detailed in a Philadelphia grand jury report.

His successor, Cardinal Justin Rigali, and some in his administration repeatedly violated the bishops' own norms for handling sex abuse and repeatedly misrepresented to the public the nature and extent of the problem. A second grand jury report resulted in the indictment of Msgr. William Lynn, former vicar for clergy, for failing to remove abusive priests. He was at the time the highest-ranking Catholic clergyman charged in the scandal.

Rigali recently slipped quietly into retirement. Again, no word of rebuke from the Vatican.

Bishop Robert Finn of the Diocese of Kansas City-St. Joseph, Mo., became the highest-ranking clergyman charged in the abuse scandal when he and the diocese were indicted for failing to report child abuse. But Finn is staying in place, determined to run the diocese, and apparently no one can tell him, much less force him, to step aside for the good of the church while dealing with his legal entanglements.

No word of rebuke has issued -- not from fellow bishops nor from Rome -- of Bishop Fabian Bruskewitz of Lincoln, Neb., who has flatly refused to comply with the minimal controls put in place by the United States Conference of Catholic Bishops during its spring meeting in Dallas in 2002.

And former Los Angeles Cardinal Roger Mahony has been allowed to quietly slip off the national stage while leaving behind a mountain of documentation that would blow the lid of the archdiocese if released, say prosecutors, victims' lawyers and others involved in assessing cases. No one knows quite how much has been spent keeping the documents -- which were supposed to be released as part of an earlier settlement agreement -- under wraps.

No board of directors exists to demand accountability of the bishops.

As the story unraveled out of Penn State, one repeatedly heard former players and football commentators, people most familiar discussing Xs and Os, outraged at the "moral" failures of those entrusted with protecting youth. Paterno had done what he was supposed to do, said one, but had he done what he was morally obliged to do?

Where were his and the president's concern for the children involved? To what lengths did they go to find out the status of the children involved? What did they do to assure that the alleged predator would be taken out of circulation? That more children would not be abused?

Not enough, on anyone's scorecard, and particularly not on those of the board entrusted with overseeing the institution.

It is certainly plausible and even probable that the directors and others within the Penn State community were influenced in its actions by what has occurred in Catholic circles. Denial, cover-up, excuses simply don't work. They merely extend the crisis and drain the institution of credibility.

Another significant difference between what has happened in the Catholic community and what occurred at Penn State is that the latter did not have several hundred more football cultures to which Coach Sandusky could be secretly transferred. It can't pass errant coaches through an international, secretive culture that claims a connection with divinity that places it beyond the reach and mores of mere mortals. Penn State's options were limited.

Perhaps Paterno was treated too harshly for someone who's given the university so much. His supporters, like the parishioners who can't imagine their priest abusing children or those who support bishops without question, were out in force after his firing was announced. But *Washington Post* columnist Thomas Boswell placed that sentiment in perspective: "Paterno has been a man above authority at Penn State for decades. He's been allowed to be selectively deaf or dumb or blind when it suits him. Those days are over."

He recounts in a Nov. 10 piece that police in 1998 were notified by the mother of an 11-year-old child who had showered with Sandusky. A university policeman reported overhearing a conversation between Sandusky and the mother in which the coach admitted, "I understand I was wrong. I wish I could get forgiveness. I know I won't get it from you. I wish I were dead."

Writes Boswell: "I'd call that a red flag -- and every other color in the moral-alarm spectrum. Penn State's decision was to close the investigation, bring no charges and not call the police or other outside authorities."

Sound familiar?

Another eerie similarity in all of this is that both institutions -- church and university -- acted first to protect themselves, the reputations of their programs and the personnel involved. The church, additionally, acted to protect its treasury. The irony, of course, is that in both cases, hiding the truth at the outset only led to the opposite of their intent. Reputations are in tatters and, in the case of the church, the treasury has been drained.

Penn State will live on with a new football coach and a new president. The community, however, will have been put on notice that placing children in jeopardy will be dealt with in the most severe way, and that those in charge will not be able to hide behind excuses. The lines are clear. The expectations unambiguous. The story in all of its detail will be known.

The church, too, will certainly live on. But under the lingering cloud of suspicion that bishops, no matter how incompetent or unresponsive to reports of abuse, will not face the prospect of losing their jobs or of having to be accountable. The community will have to continue to function with the understanding that it might never know the full story. It also knows that no board of directors will ever convene with the power to look beyond the interests of an individual bishop and take the drastic measures necessary for the greater good of the community.

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## **Excerpt from the *NCR* Editor's Note on Brain Injuries, February 3-16, 2012 Issue**

By Dennis Coday

Much good comes from football and sports in general. A good sports program can teach discipline and team work. A good sports program can build a young person's sense of worth and sometimes save a troubled life.

And playing and watching games are simply a lot of fun.

All of these are reasons to make us hesitant to examine the research linking football to severe brain damage. But we must look at these dire reports (Page 12).

Purdue University research, for example, underscored the dangers of constant head collisions that don't produce concussions. Some players endure as many as 950 hits a year, according to the researchers.

Though the percentage of payers who sooner or later suffer mild disabilities ranging from chronic headaches to Alzheimer's disease isn't yet documented, evidence suggests it's significant. Examination of large numbers of former National Football League payers, for example, indicate that those between the ages of 30 and 49 were 19 times more likely to show signs of Alzheimer's than men of comparable age who hadn't played.

The origins of the damage begin much earlier, of course, in high school and college, where the conventions of the game call for hitting hard and often. Eventually, the effects of competing over a stretch of years will be charted in stages, but at this point there is reason to believe that every stage exposes players to significant brain injury.

Catholic high schools and colleges have been most attentive to the frightening specter of collision are taking steps to prevent the trauma and, in a major change from the tradition of sending players who have their "bells rung" back into the game, to insist that the players remain out and get treated,

But as worthwhile as these measures are proving, the larger ethical question, whether risks to young men are so great they justify ending football programs, has been sidestepped by Catholic parents, educators and ethicists, where the real responsibility rests, and not with coaches, athletic directors and trainers.

The concern, of course, is universal, but it would seem the Catholic arena would be an especially apt place to consider the question, given the community's high regard for protecting life in all its phases,

At stake is no less than the long-term physical and mental health of young Catholic men who naturally love the sport.

***No Christian tradition has more ethical and theological resources than Catholicism to take on the challenge of football, but there is no rush to do so. (2012)***

**—Ken Briggs**

# Catholic silence on football risks

*While studies raise alarm about long-term effects of repeated blows to head, there is little discussion of ethics*

NATION, February 3-16, 2012

Used with the permission of *THE NATIONAL CATHOLIC REPORTER*

By Ken Briggs

Growing scientific evidence that football players can suffer permanent mental disease has so far stirred no broad discussion among Catholic colleges and high schools or national church organizations about the ethics of continuing to sponsor the game.

A sampling of Catholic groups and scholars who study sports culture and promote its moral benefits say they believe the medical hazards exposed by the research raise serious questions about the continuation of football but add that they haven't called attention to the apparent threat, in part because it could ignite stormy protests by fans and financial backers. Some believe more evidence is needed but concede that the existing findings are alarming.

Pope John Paul II, a former soccer player with a love of sports, provided a rationale for making hard choices. Sports could be "a gymnasium of the spirit, a means to exercise moral education," he told a Milan, Italy, soccer team in 1979, only if it was "inspired by healthy principles that exclude all unnecessary risks on the part of the athlete, and the disordered emotions on the part of the fans that may occur in competition."

Experiments conducted in recent years by Purdue University, the University of Michigan and the University of North Carolina, among others, have shown widespread brain damage to current and former players from high school through the National Football League.

While the bulk of media coverage has been on the effects of concussions, the most sensational head injury, studies have raised increasing alarm that repeated blows to the head that appear harmless can eventually result in the same chronic illnesses, among them, memory loss, depression, Alzheimer's and dementia.

One analogy cited by some sources is the cumulative effect of smoking: No single cigarette triggers lung disease. Another is the grim image of a death by a thousand cuts.

The scientific catch name for the collection of most serious diseases is CTE, "chronic traumatic encephalopathy," signs of which have been found in college players. Former NFL players with brain disorders have been filing suits against the league, alleging they were kept in the dark about the risks to their mental health.

No widespread alarm over the link between football and the long-term welfare of players has emerged in Catholic circles, however, according to an informal survey. Neither the Association of Catholic Colleges and Universities nor the Catholic Theological Society of America, for example, has devoted conference time or special sessions to the subject.

Nor have church and society centers and institutes at universities such as Notre Dame taken up the cause. Instead, the problem has been largely left to athletic trainers and coaches, who are relied upon to improve strategies for treating concussed players and upgrading precautions.

Michael Galligan-Stierle, president of the Association of Catholic Colleges and Universities, says the 240 member schools are aware of the research and dedicated to player safety. Though the association's core members, college presidents, have never convened discussions on long-term injuries, he said, a "stronger response" would be warranted if science produces a stronger case.

But the former football player and basketball coach said it would be "morally wrong" to sponsor football "if it's clear a person would end up mentally and physically impaired," adding emphatically, "but we're not there yet." For now, he said, coaches and their staffs are able to "make the right decisions."

A special edition of the National Catholic Educational Association's *Momentum* magazine in 2009 reflects similar ambivalence. Titled "Sports and Spirituality," the issue paid legitimate attention to the legacy of Catholic belief in the virtue of sports and included debate over whether sports actually produces character. However, it contained no references to the dangers that had recently emerged in the news.

Though coaches and athletic directors at the 1,206 Catholic high schools and 46 Catholic colleges that offer football have responded promptly to the need for better care for players hit by concussions by removing them from games -- even entire seasons -- and providing more safety precautions, no school could be found that has seriously considered giving up a cherished football tradition as a compelling moral remedy.



More than a million American high school students play football every year. While only a small fraction play for Catholic schools, many teams from those schools are renowned for football, making them highly visible in the sports world. For example, a lengthy article in the Jan. 2 issue of the *New Yorker* magazine lionized the team from the Salesian-run Don Bosco Prep in Ramsey, N.J., depicting it as a vehicle for athletes' upward mobility.



*The Ironmen of Don Bosco Preparatory High School in Ramsey, N.J., play football Nov. 24 against the Green Knights of St. Joseph Regional High School in Montvale, N.J. (Newscom/Icon SMI/Tyler Kaufman)*

Within that culture, violence and injuries have been accepted as a reasonable price for achievement and “playing through pain” is part of the creed. A 2011 documentary on PBS’s “Frontline” called “Football High” estimated that 60,000 concussions alone occur in high schools. At least 50 high school players have died since 1997. The full pattern of long-term effects that may show up only decades later isn’t yet known.

Edward Rielly, professor of English at St. Joseph’s College of Maine and author of *Football: An Encyclopedia of Popular Culture*, is among the legions of Catholics who feel torn by the research. Having grown up loving and playing the game, the evidence troubles Rielly, but he prefers to think that remedial action like limiting playing time or placing weight limits on players will suffice. He doesn’t foresee Catholic schools dropping football but thinks further proof that it’s “extremely dangerous” could create “a tipping point.”

“We can’t be Romans sending our sons like gladiators just to please folks who love football,” he said. But, the critics say, that’s precisely what’s happening.

The roots of the resistance to such drastic options as dropping football lie deep within American Catholic memories of beleaguered immigrant Catholics proving themselves (“the Fighting Irish”) and in the public passion for the game, abetted by vast profit-making and gambling activities. Among the country’s religious adherents, none mesh faith with football more than Catholics and Southern evangelicals.

No Christian tradition has more ethical and theological resources than Catholicism to take on the challenge of football, but there is no rush to do so. Michael Malec of Jesuit-run Boston College, who specializes in the sociology of sports, said he wasn’t aware of any “serious, hard thinking” on whether schools should ban football but he was “starting to think it should be addressed” as a major ethical issue. However, he said, devotion to the sport is “so ingrained in culture” that initiating such a discussion would be difficult.

But mounting evidence might cause parents “to be more reluctant to let their sons play” and that might prompt the question in another manner, said Stephen Pope, a theologian at Boston College who has studied sports in the framework of Catholic ethics. Knowing what he does now about the potential impact of injuries, he said he probably wouldn’t have wanted his own sons to play.

Frank Splitt, a retired telecommunications specialist who’s relentlessly pressed for Catholic colleges to spearhead a drive to “clean up the cesspool” of bigtime sports, said progress was blunted because “when money is involved, nothing else matters nearly as much. Nobody wants to touch this thing because it could impact their income.”

The medical red flags exist within a much larger indictment of high-profile college sports.

Pulitzer Prize-winning historian Taylor Branch, in a blistering attack in the November 2011 *Atlantic* magazine, accused major college athletics of operating a “plantation mentality” by exploiting athletes and subverting education in a chase for riches. Branch has joined a rising chorus of critics who claim that greed and craving for media fame have subverted the purposes of education and the welfare of athletes. These critics have frequently targeted the National Collegiate Athletic Association for allegedly condoning bad behavior.

Scientists in brain research have also warned against complacency. Dr. Julian Bailes, a neurosurgeon who has studied former NFL players, wrote in *The Sport Digest* that a boy suiting up for football understands that risks include blown knees and paralyzing broken necks. “Those are all known risks,” he wrote. “But you don’t sign up to become a brain-damaged young adult.”

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***Consider James Michener's perspective on America's sports culture—provided in his blockbuster 1976 bestseller, *Sports in America*:***

***Football has been so enshrined as a spectator sport, both in college and professionally, that it would be impossible for revisionists to alter it without protests of an almost revolutionary character. As long as the deadly violence does not accelerate, football is in no danger of discipline from without, and it is my own sad guess that deaths could triple or quadruple without much outcry.***

***Michener believed football is the American form of violence that is morally sanctioned by the public. So too, collateral damage and bad behavior are either overlooked or simply given a headline for a day and a passing glance by the public. Incidents are soon forgotten. In effect, collateral damage and bad behavior are legally and morally sanctioned by the American public. It's a price Americans seem willing to pay for their entertainment. So, is it any wonder that elected officials treat serious reform—such as requiring compliance to measures of transparency, accountability, oversight, and enforcement—as political suicide? (2010)***

**—Frank G. Splitt (From "Death Puts Focus on College Athletics,"  
[http://www.thedrakegroup.org/Splitt\\_Focus.pdf](http://www.thedrakegroup.org/Splitt_Focus.pdf))**

## THE AUTHORS

**Ken Briggs** is a freelance writer who has reported on religion for *Newsday* and *The New York Times*, has contributed articles to many publications, written four books and is an instructor at Lafayette College, Easton, Pennsylvania.

**Dennis Coday** is the *NCR* editor.

**Joe Feuerherd** was the *NCR*'s Washington correspondent when he wrote the "March Madness" article. Shortly thereafter, in 2008, he became *NCR*'s publisher and editor in chief—serving in that capacity until his untimely death in 2011.

**Tom Roberts** is the *NCR* editor at large.

**Frank G. Splitt** is the former McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University, and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. He is a member of The Drake Group and the College Sport Research Institute's Advisory Committee, University of North Carolina at Chapel Hill.

*As we noted in the 2001 Knight Commission Report, “on many campuses, faculty indifference prevails even when informed critics make their case.” Some dedicated faculty members are already overburdened as they invest considerable time and energy in teaching and research, as well as professional and other worthy activities. So it is quite encouraging to see the emergence of faculty with the will to act and what appears to be a robust faculty initiative....Needless to say, this effort will not be for the faint of heart. Faculty members need to know that their time will be well spent with a reasonable expectation of success. Though they may not know it, for some it will be the most important work of their professional careers. Unfortunately, faculty work on reform will likely be the least recognized or rewarded by their universities. (2003)*

—Theodore M. Hesburgh, C.S.C., President Emeritus, University of Notre Dame

*Frank Splitt’s well-researched brief identifies clearly the distortion of institutional priorities and the threats to academic integrity that result from increasing commercialization and obsession with winning in “big-time” college sports. The situation has developed gradually over the past 100+ years, and now its correction faces major obstacles, both financial and psychological, in particular, the dependence on revenues from football and men’s basketball to fund bonded indebtedness on expensive athletics facilities and to support the non-revenue producing sports, and the over-identification by too many alumni and other supporters of their own value with “their” school’s athletic success. Can the situation be corrected? I believe it can, but with great difficulty. It will demand a long-term, coordinated effort by responsible faculty leaders, presidents, and governing board members who are willing to put aside personal advantage and work together to do what is right for their institutions and the educational enterprise. Frank Splitt has pointed us down the right path. Will we have the courage and perseverance to follow it? (2003)*

—John W. Prados, Vice President Emeritus, University of Tennessee, and former president, Accreditation Board for Engineering and Technology

**NOTE:** The above quotes were taken from the brief “Reclaiming Academic Primacy in Higher Education.” The Reverend Hesburgh’s remarks are from his Foreword on page vii while Dr. Prados’ remarks are from his commentary on page xi. The brief can be accessed at [http://thedrakegroup.org/Splitt\\_Reclaiming\\_Academic\\_Primary.pdf](http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf)

*FutureVectors, Inc.*  
**Mount Prospect, IL**

# **Collegiate Athletics Reform: Trilogy III**

## **A Call for Federal Intervention**

*Intervention by the federal government is the only way to bring about desperately needed reform of big-time football and men's basketball.*

## **Most Likely up to the Courts**

*Despite multiple appeals for action by the Legislative and Executive branches of the federal government, there has been no government action*

### **Afterword: A Glimmer of Hope beyond the Courts**

*The efforts of the Rutgers' faculty and Congressman Roskam provide a glimmer of hope beyond the courts for collegiate athletics reform.*

## **Evermore Likely up to the Courts**

*Hope for congressional action dimmed by silence*

*Prepared for distribution at the April 19-21, 2012, Scholarly Conference on College Sport, sponsored by the University of North Carolina at Chapel Hill's College Sport Research Institute, to be held at the William C. Friday Center for Continuing Education on the campus of the University of North Carolina-Chapel Hill*

**By Dr. Frank G. Splitt**

**February 28, 2012**

*America has the most to lose as it confronts new global realities with its STEMS gap and its institutional priority of athletics over academics – all the while handicapped by the public’s continued obsession with sports entertainment. America’s present-day position does not present a pretty picture.*—From “Sports in America 2005: Facing up to Global Realities,” by the author, 2005, p. 4,  
[http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America\\_2009.pdf](http://thedrakegroup.org/Splitt_Sports_in_America_2009.pdf)

*If political gridlock and partisanship continue to paralyze public policy,...if they ignore the fact that America’s standing in the global pecking order may be in jeopardy, the anxious prognosis of America’s decline could become its historical diagnosis.*—From *Strategic Vision: America and the Crisis of Global Power*, by Zbigniew Brzezinski, 2012, p. 64

*Are We Rome? – 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?*—From “America’s Failing Education System: It Can Still Be Fixed,” by the author, 2009, [http://thedrakegroup.org/Splitt\\_Failing.pdf](http://thedrakegroup.org/Splitt_Failing.pdf)

*All states and nations, however great, bloom for a season and are replaced.*—From the Introduction to *Vanished Kingdoms: The Rise and Fall of States and Nations* by Norman Davies, 2012

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***The slow but sure decline of America’s educational system will continue, unless and until the growth of the professionalized college sports entertainment industry is restrained by forcing the NCAA cartel 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....To halt the NCAA cartel’s abuse of its tax policies, the government needs to enforce its own rules on tax-exempt organizations—building into this nonprofit sector strong measures of transparency, accountability, and oversight adequate to the truth-finding purpose of these measures.— From “Reclaiming Academic Primacy in Higher Education: New Hope for the Future” by the author, 2009, [http://thedrakegroup.org/Splitt\\_New\\_Hope.pdf](http://thedrakegroup.org/Splitt_New_Hope.pdf)***



# Collegiate Athletics Reform: A Call for Federal Intervention

*a CLIPS Guest Commentary*

By Frank G. Splitt, 01-10-12

*It's obvious from the abuses we see that there's been no check on charities; big money, tax free, and no oversight have created a cesspool in too many cases.—Senator Charles Grassley, 2004*

*Our guest author believes that intervention by the federal government is the only way to bring about what he sees as desperately needed reform of big-time football and men's basketball.*

**A recent message** to the Chief Democratic and Republican Tax Counsels for the Senate Finance Committee (SFC) concluded with an appeal to have its Chairman, Max Baucus, and its Ranking Member, Orrin Hatch, give thoughtful consideration to having the SFC follow up on the 2006 efforts of House Committee on Ways & Means (then) Chairman Bill Thomas and (then) SFC Chairman Senator Chuck Grassley. Their efforts focused on getting the NCAA to provide justification for the tax-exempt status of its big-time football and men's basketball programs.

This appeal was similar to previous appeals via open letters to President Barack Obama<sup>1</sup> and to Education Secretary Arne Duncan<sup>2</sup> that respectfully asked for support to help clean up the mess in collegiate athletics. Here was the message:

The American public's seemingly unbounded love of college sports entertainment at any cost can be readily exploited by skilled marketing professionals to the long-term detriment of the integrity and health of higher education in America.

The incremental cost of such exploitation to build an ever bigger college sports entertainment enterprise amounts to the cost of expanding a heretofore eminently successful business model, that is, the cost of further prostitution of America's compliant colleges and universities without any requirements for transparency and accountability, as well as with apparently acceptable artifacts of this prostitution—huge tax-free revenues, unbridled greed, manifold corruption, and blatant hypocrisy.

Based on over eight years of research on college sports reform, my experience indicates that intervention by the federal government is the only way to bring about desperately needed reform to help restrain the uncontrolled growth of big--time football and men's basketball programs with its potentially devastating impact on America's colleges and universities.

*The time has come for a major overhaul. And whether the powers that be like it or not, big changes are coming. Threats loom on multiple fronts: in Congress, the courts, breakaway athletic conferences, student rebellion, and public disgust. Swaddled in gauzy clichés, the NCAA presides over a vast, teetering glory.—Taylor Branch, 2011*

There follows a short list of authors and links to recent articles that could prove of value to members of the Senate Finance Committee for a bipartisan effort to end the subsidization of collegiate athletics via unjustified tax breaks that have provided huge amounts of easy tax-free money to help fuel said uncontrolled growth.

## **1. Karl Taro Greenfeld<sup>3</sup>**

"Since taking over the Pac-12 Conference (PAC 12) Conference Commissioner Larry Scott has brokered a multibillion-dollar TV deal and launched a revolution in the business of college sports. Now he's out to make college football as lucrative as the NFL," says Greenfeld. He then asks: How much bigger can college football get? He answers by quoting Scott and Chris Bevilacqua, a sports media consultant and co-founder of the College Sports Television network. Scott points out that "there are a hundred million households in the U.S. with cable or satellite subscriptions, paying an average of \$120 a month." "We are fishing in a \$100 billion-a-year pond that is essentially held together by live sports, must-carry programming is largely live sports," says Bevilacqua.

## **2. Steve Wieberg<sup>4</sup>**

Wieberg provides a list of the top 10 football and basketball coaches' compensation for 2010-2011. He also quotes Miami (Fla.) President Donna Shalala as saying "I think everybody is doing a reassessment." Here, via an email exchange, is a statement Shalala might want to reassess:

I have used the 2004 Willie Williams situation as an example of the incredible pressure that athletic departments, trustees, and others can put on school presidents to get their way.

—Frank Splitt, February 11, 2010

Too bad you are dead wrong.

—Donna Shalala, February 11, 2010

Members of the NCAA cartel will most likely remain in their tried and proven hunker-down mode of behavior with talk of reassessment and serious reform by presidents and various other cartel supporters.

### 3. Christine Brennan<sup>5</sup>

Brennan writes: "The week after the Penn State news hit, why didn't 25 or so of the nation's top university presidents call a "crisis conference" to debate drastic changes in the way coaches and top athletic programs do business? They had just held a retreat in August; this was reason to meet again, immediately. They could have discussed common-sense payment for head coaches, a reduction in football scholarships, unprecedented academic reform, the works. An agenda that far-reaching — that's impossible, most would say — would have been taken seriously only after a news event of this magnitude. Instead, what did we hear from academia across the nation at this watershed moment? Silence for about three weeks, then finally, some news. Disgraced Ohio State had hired a new football coach — for three times the amount the university president makes."

### 4. Joe Nocera<sup>6</sup>

"The N.C.A.A. would have you believe that it is the great protector of amateur athletics, preventing college athletes from being tainted by the river of money pouring over college sports. In fact, the N.C.A.A.'s real role is to oversee the collusion of university athletic departments, whose goal is to maximize revenue and suppress the wages of its captive labor force, aka the players. Rarely, however, will the cartel nature of the N.C.A.A. be so nakedly on display as at this year's (NCAA) convention," says Nocera.

### 5. Shaun Assael<sup>7</sup>

Assael asks: "How did these guys (the bowl-game CEOs) get so rich and powerful without anyone knowing their names?" Here's his answer: "Like good party hosts, they fly under the radar while making sure everyone had a drink in their hand. The Orange Bowl holds cruises for athletic directors and conference execs. The Sugar Bowl holds parties. But in Phoenix, the Fiesta Bowl's former CEO John Junker may have gotten a little greedy. He is accused of reimbursing employees for donations they made to political candidates who could keep the gravy train rolling. A series of articles by Craig Harris of *The Arizona Republic* exposed that and more: lavish parties, bloated salaries and, inevitably, strip club bills. The feds are looking into the deposed Junker's reign, his former chief operating officer is under indictment, and a lobbying group known as Playoff PAC is asking the IRS to look at all of the bowls, alleging a pattern of frivolous spending, undisclosed lobbying payments and bloated salaries.... Marcus Owens, a former high-ranking IRS official who ran its Exempt Organizations Division, says unrelated business income "has always been a playground for tax lawyers." It appears to him that the bowls have gone too far in writing off advertising and sponsorship revenues. He is advising Playoff PAC, which plans to file a complaint with the IRS later this month alleging the BCS bowls serially underreport taxable income."

### 6. Rachel Bachman<sup>8</sup> and Darren Everson<sup>9</sup> (not part of original message)

Bachman focuses on much football matters in the nation's top programs. To find out how much football matters at these so-called football schools, *The Wall Street Journal* reviewed total campus revenues reported by 45 major conference schools to determine the percentage generated by football. A related piece by Everson tabulates the value in \$-millions of college football's major conference teams, plus Notre Dame.

It is of significance that the outrageous Penn State scandal has not triggered a meaningful government action such as those discussed in "Collegiate Athletics Reform: Lessons from Penn State."<sup>10</sup>

It is my view that the probability of an academic body emerging to rein in the runaway college sports entertainment industry is extremely low. Academic officials will most likely avoid taking on the powerful NCAA cartel and their governing boards so will continue to deal with related problems by looking the other way—muddling through will likely be their preferred option for safeguarding their vested self interests.

Outside the U.S. Judicial system, the only hope for real reform appears to be in the U.S. Congress' Senate Finance Committee. Hope will become a reality if the SFC follows up on the 2006 efforts of House Committee on Ways &

Means (then) Chairman Bill Thomas and (then) SFC Chairman Senator Chuck Grassley. Their efforts focused on getting the NCAA to provide justification for the tax-exempt status of its big-time football and men's basketball programs.<sup>11</sup>

I respectfully requested that the SFC's Chief Democratic and Republican Tax Counsels bring this e-mail message to the personal attention of SFC Chairman Max Baucus and SFC Ranking Member Orrin Hatch with the hope that thoughtful consideration will be given to all of the above.

Needless to say, pessimism abounds re: the ability of the government to enforce compliance to its requirements for tax-exempt status. However, as Doug Lederman notes:

In a restructured college sports landscape in which the "haves" and the "have-nots" are much more clearly and formally separated, it is not too farfetched to envision a group of angry members of Congress looking very differently than they historically have at the question of whether big-time sports is truly an amateur enterprise that warrants tax exemption as an educational activity. And a "No" answer to that question – forcing colleges to pay taxes on their sports revenues, to pay athletes market wages and workmen's compensation, etc. – would truly transform college sports in a way that nothing being discussed now can.<sup>12</sup>

We will see what we will see.

## NOTES

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***Jon King, an antitrust lawyer at Hausfeld LLP in San Francisco, told me that Vaccaro "opened our eyes to massive revenue streams hidden in college sports." King and his colleagues have drawn on Vaccaro's vast knowledge of athletic-department finances, which include off-budget accounts for shoe contracts. Sonny Vaccaro and his wife, Pam, "had a mountain of documents," he said.—From "The Shame of College Sports" by Taylor Branch, *The Atlantic*, p. 104, October 2011***

# Collegiate Athletics Reform: Most Likely up to the Courts

*a CLIPS Guest Commentary, 01-27-12*

## **AFTERWORD: A Glimmer of Hope beyond the Courts, 02-02-12**

*By Frank G. Splitt*

*Our guest author points out that despite multiple appeals for action by the Legislative and Executive branches of the federal government, discussed in his previous CLIPS commentary, there has been no government action—leaving it up to the courts to resolve reform related issues.*

**Education Secretary Arne Duncan's remarks** at the 2012 NCAA Convention and silence on the part of members of Congress have reaffirmed my earlier conclusion that the federal government will be of no help in bringing meaningful reform to big-time collegiate athletics—more later.

In retrospect, it was really a bit too farfetched to expect—as discussed in my previous *CLIPS* commentary<sup>1</sup>—that members of Congress would look very differently than they historically have at the question of whether big-time sports is truly an amateur enterprise that warrants tax exemption as an educational activity. It was also too farfetched to expect the Education Secretary to turn up the heat on the NCAA and its member institutions to drive collegiate athletics reform.

**The Senate Finance Committee** – There has been no response to requests to have the issues outlined in previous commentaries and e-mails brought to the personal attention of SFC Chairman Max Baucus and SFC Ranking Member Orrin Hatch, even after highly recommending a reading of Doug Lederman's "Calls for major reform of college sports unlikely to produce meaningful change."<sup>2</sup>

It was hoped that thoughtful consideration would be given to the premise that intervention by the federal government is the only way to bring about desperately needed reform to help restrain the uncontrolled growth of big--time football and men's basketball programs with its potentially devastating impact on America's colleges and universities.

Also, there has been no response to a related request to have the U.S. Congress' Senate Finance Committee follow up on the earlier efforts of House Committee on Ways & Means (then) Chairman Bill Thomas and (then) SFC Chairman Senator Chuck Grassley to get the NCAA to provide justification for the tax-exempt status of its big-time football and men's basketball programs.

This experience demonstrated that government officials practice their own Golden Rule when asked to respond to issues that could have a negative impact on their re-electability, to wit: silence is golden.

It is my view that the probability of the U.S. Congress emerging to rein in the runaway college sports entertainment industry is extremely low. Members of Congress will most likely avoid taking on the powerful NCAA cartel and their wealthy donors so will continue to deal with related problems by looking the other way—safeguarding their vested self interests. The same could be said about the U.S. Department of Education. Here's why.

**The Education Secretary's 2012 NCAA Keynote Address** – There follows my comment on the *Inside Higher Ed report*<sup>3</sup> on Education Secretary Arne Duncan's Keynote address to the 2012 NCAA Convention.<sup>4</sup>

**Duncan's Words for NCAA Not Harsh by a Long Shot** – It is difficult for me to believe that these remarks did not originate in the NCAA's PR department. Furthermore, it appears that Secretary Duncan unwittingly served as a surrogate speechmaker for NCAA President Mark Emmert—doing a superb job of delivering the NCAA's party line wrapped in bits of his own personal story with fulsome praise for the NCAA's shallow reform initiatives. It is even more difficult to believe that he could be so naive. Or is he?

Perhaps Duncan isn't naive at all but simply wants to help his boss who is now running a populist reelection campaign. How many votes would Obama lose if he announced that his administration is supporting a full-scale investigation of the NCAA and hugely popular big-time collegiate athletics?

Secretary Duncan's remarks reaffirmed my conclusion that the U.S. Department of Education will be of no help in promulgating meaningful reform in big-time collegiate athletics. Furthermore, as Duncan said: "If any of us are looking for Congress to solve this, good luck." So, it is likely in this election year that no one with the responsibility and authority to act will do anything to provide corrective action—no matter how bad things may be.

After the election, it is a safe bet that neither the President nor Congress will take on the powers that be—the NCAA and the athletic conferences, as well as wealthy alumni and booster organizations. Governing boards will fire presidents who attempt to moderate their big-time football and men's basketball programs and won't hire candidates who could possibly threaten the status quo.

Today it seems that no one with real power cares enough about higher education to protect its colleges and universities from money-driven prostitution by the sports entertainment industry.

The above comment reflected deep disappointment with what appeared to be uninformed remarks and suggestions that avoid the real issues surrounding the professionalized college sports entertainment industry. These issues were discussed in two Open Letters to the President<sup>5</sup> with Secretary Duncan and members of his staff copied on both letters. A thoughtful review of these letters will cast a different light on the Secretary's remarks.

The Secretary's criticisms of the NCAA have certainly been in the right direction; however they are simply variations on the tepid themes of his previous remarks; see Duncan<sup>6</sup> and my comment thereon. If the truth be told, **the** vast majority of coaches at colleges and universities supporting big-time football and men's basketball programs only **pay** lip service to academic values. They value winning above all else – that's what they are paid millions to do. NCAA, school, as well as conference officials, and a relatively small number of college athletes who make it to the pros, will also get rich; however, many of the athletes will likely pay a terrible price re: incipient damage to their long-term mental and physical well being.<sup>7</sup>

**A Response and Further Comment – The following response to my January 17 e-mail message to Secretary Duncan and his staff was received on January 27, 2012:**

Dear Mr. Splitt,

The Secretary received your latest note on January 17 with the link to your response to the Inside Higher Ed piece on the Secretary's recent speech to the NCAA. The Secretary continues to encourage college sports programs - especially major football and basketball programs - to strike a healthier balance between athletics and academics.

Thank you for continuing to share your concerns with us.

Sincerely,

Cynthia Dorfman  
Director, Regional Operations  
Office of Communications and Outreach

It seems that Secretary Duncan and his staff keep missing the main message: The college sports entertainment industry continues to operate as a very large, powerful, and politically connected enterprise that simply does as it pleases—seemingly not accountable to anyone, least of all the federal government—while **the** quality of higher education in America is declining relative to education in nations that prioritize academics over athletics.<sup>8</sup>

One wonders how Secretary Duncan can buy into the NCAA's shallow reform mechanisms and not take the opportunity to press the NCAA for answers to the following questions:

1. What is the NCAA's collegiate model and how does this model square with actual practice?
2. Why has the NCAA made a number of rule changes that have emphasized athletics over academics thus moving its big-time football and men's basketball programs to professional levels?
3. Why has the NCAA resisted reform efforts that would help realign big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport?

4. More specific to the above, why has the NCAA resisted providing college athletes meaningful opportunities to function as real students by: a) Not restoring first-year ineligibility for freshmen with expansion to include transfer athletes; b) Not reducing 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; c) Not restoring multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance?
5. Why should the federal government subsidize the athletic activities of educational institutions when that subsidy is being used to help pay for escalating coaches' salaries, costly chartered travel, and state-of-the-art facilities?<sup>9</sup>
6. Why has the NCAA forced everyone to take its word and the word of school administrators that athletes are really students on track to receive a bona fide, rather than a "pretend" college education by not agreeing to calls for transparency, accountability and oversight?
7. Why does the NCAA mask the suspected poor academic reports of many big-time college athletes by bundling the reports with those of the tens of thousands of other college athletes with good academic records who participate in a myriad of other non-revenue generating sports?
8. What is the NCAA doing to minimize **incipient damage to the long-term mental and physical well being of college athletes?**

Answers to these questions should be of interest not only to Secretary Duncan and other officials at the Department of Education, but also to members of Congress, the IRS, the media, reform-minded organizations, and U.S. taxpayers above all.

**Do-Nothing Government Officials – Milton Friedman once said, “The proper role of athletic activity at a university is to foster healthy minds and healthy bodies, not to produce spectacles.” Nonetheless, the most important products from some of our nation's most prestigious colleges and universities appear to be entertainment venues for a sports-obsessed public and athletes that hope to graduate to the NFL or NBA, rather than prioritizing the transmission of understanding, ideals and values to students while adding to the body of intellectual knowledge and know-how.**

**Members of Congress and Secretary Duncan are apparently unaware of the chilling evidence that America's colleges and universities are helping to lead the way as our country slithers toward second-rate nationhood. There should be no mystery here. For all intents and purposes, government at all levels stands idle while many of its most prestigious schools prostitute themselves in a mostly futile quest for fame and fortune via their sports entertainment businesses.**

***Football is American religion, and for the few lucky enough to attend a game, it is a chance to see gods in action and miracles performed. — Nick Summers<sup>10</sup>***

**The Upshot –** Based on the above, I would not recommend that anyone hold their breath waiting for a substantive reply from either the Department of Education or the Senate Finance Committee on the matter of college sports reform.

After almost nine years of effort to have these bodies address the manifold issues in big-time collegiate athletics, I have found that with few exceptions government officials seem to abide by their own version of the Hippocratic Oath: First do no harm to the chances of keeping your job.

The vast majority of members of Congress have chosen to do nothing, apparently believing they would violate this 'oath' by mandating: 1) Compliance of big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport and 2) Disclosure of data on the academic performance of big-time college athletes—making the continuation of the not-for-profit status of the NCAA and its member institutions contingent on this disclosure without which no one knows not only who is doing the work for college athletes in their exclusive academic resource centers, but also why the feds continue to put up with the charade of self-reported “graduation rates.”

Lacking help from the Education Department and the Congress, reform-minded individuals and organizations can only hope for meaningful corrective action via the courts—not a new conclusion as can be seen from the following excerpt from an earlier commentary.<sup>11</sup>

So, in the end, 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.<sup>12</sup>

Absent meaningful corrective action via the courts, college sports, like a runaway train, will continue to overwhelm everything in its way with the Legislative and Executive branches of the federal government operating in an irresponsible manner by looking the other way (not enforcing compliance and not requiring disclosure) while supporting minor leagues for the NFL and NBA by allowing NCAA programs to benefit from a lack of oversight, favorable tax policies, and unabashed pandering by top officials who live in fear of the NCAA since they recognize college sports are hugely popular with the American public (voters).

In the meantime, **Asian countries are rapidly closing ranks on U.S. leadership** and the U.S. will continue to lose high-tech jobs as R&D shifts toward Asia. The recent National Science Board report and Jim Hagerty's *Wall Street Journal* article are just the latest word on the subject.<sup>13</sup> For the back story see Splitt.<sup>14</sup>

**Concluding Remarks** – Led by the NCAA and its member colleges and universities, the big-time college sports entertainment industry continues to distract the public, its elected officials, and others from serious issues confronting our nation. The industry continues to operate as a very large, powerful, and politically connected enterprise that simply does as it pleases—seemingly not accountable to anyone, least of all the federal government. The weak recommendations by Secretary Duncan and congressional silence are testaments to this fact.

Professionalized college sports entertainment rules, no matter how negative its impact on America's education system and how damaging its effect on our nation's future position on the world stage. The quality of higher education in America is declining relative to education in nations that prioritize academics over athletics. America could very well be losing its economic and technological preeminence.

The loss of academic primacy at all too many colleges and universities supporting big-time football and men's basketball programs has not gone unnoticed by America's Asian and Middle-eastern competitors. They have prioritized the education of their citizenry above all else as they build world-class universities with laser-like focus on academics, especially science, technology, engineering, and mathematics, rather than building facilities for the entertainment of spectators or the employment of “student-athletes.”

Here's the take-away: Big-time college football has an ugly side, one that has been a perennial source of embarrassment for otherwise upstanding American universities and government officials. The many forms of collateral damage resulting from overzealous efforts to have winning teams and bowl invitations are a price these universities and officials are willing to pay. It's also the price the public is willing to pay for their entertainment. America needs to wake up and face reality; this nation cannot compete in the 21<sup>st</sup>-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities serve as prostitutes for the sports entertainment industry—focusing resources on athletics at the expense of academics so its best and most important future products could eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.

## **AFTERWORD: A Glimmer of Hope beyond the Courts**

Subsequent to the January 27, 2012, posting of the commentary at *College Athletics Clips*, two articles were published that provide additional context for the 6-year old “global-reality” message in the last paragraph of The Upshot and the Concluding Remarks sections. The first article appeared in the *New York Times*.<sup>15</sup> The second article appeared in the *Wall Street Journal*<sup>16</sup> with the following comment (reflecting the author's experience) posted January 30 at the *Journal's* online story site.

### **Don't hold your breath waiting for politicians**

Mark Mills and Julio Ottino ask: What should our politicians do to help usher in this new era of entrepreneurial growth? With tectonic technological shifts promising a tech-led boom, they believe the answer lies with politicians somehow assuring liquid financial markets, sensible tax and immigration policy, and balanced regulations that will allow the next boom to flourish. Unfortunately, U.S. politicians have a world view that does not comport with this answer.

U.S. politicians see the world as geographic blocs of voters and their jobs as not only maximizing the economic benefits for their bloc of voters, but also maximizing the chances of keeping their own jobs. The ongoing mortgage debacle and debt crisis are testaments to the inability of politicians to help resolve tough issues. So too are the sad states of K-12 and post secondary education in America and the shallowness of remarks by elected officials who are forever campaigning rather than working to learn what's really going on in the world.

Don't hold your breath waiting for politicians to deliver what it takes for the U.S to exploit the promise of new technologies. It will be left to the private sector to do what it does best—capitalize on its fecundity of innovation and develop global outreach.

Frank G. Splitt  
Former McCormick Faculty Fellow of Telecommunications  
McCormick School of Engineering and Applied Science  
Northwestern University

It is disappointing to see the lack of leadership on the part of Catholic schools in collegiate athletics reform, particularly so re: the ethics of their continuing sponsorship of football programs in spite of growing concerns about the incipient damage caused by repeated blows to the head; see Briggs.<sup>17</sup> “At stake is no less than the long-term physical and mental health of young Catholic men who naturally love sport,” said Dennis Coday, editor of *The National Catholic Reporter*.

As bleak as things may seem, the situation is not entirely hopeless.

It was encouraging to see the faculty at Rutgers University make one of the strongest moves yet made by any university faculty against Div IA sports corruption by calling for cuts to athletic program subsidies; see Renshaw.<sup>18</sup>

Also, although partisan infighting and pre-election-year politics have led to political paralysis that could continue to keep Congress from acting on substantive issues there is always some hope that things will change. House GOP Chief Deputy Whip Peter Roskam (IL, 6th) believes that change can be brought about by building consensus. He pointed to history to suggest that the time might be ripe for major changes, including tax-code reform as he outlined his legislative and political priorities for the year ahead to the *Daily Herald*.<sup>19</sup> Those priorities include guiding House members to consensus.

Roskam also serves on the House Ways and Means Committee's **Subcommittee on Select Revenue Measures**—a position that allows him to focus effort on getting much-needed reform of the debilitating federal tax system. He said, “What we have right now is a tax code that nobody can defend. The whole concept is to make the tax code more competitive. There's a real opportunity to reform the tax code and that will create jobs and buoyancy.”

Perhaps Congressman Roskam will see that everything is put on the agenda for tax-code reform—including the tax-exempt, nonprofit status for the NCAA and the sports entertainment businesses at colleges and universities supporting revenue-generating football and men's basketball programs, as well as for end-of-season bowl games and the NCAA's basketball tournaments.

The efforts of the Rutgers' faculty and Congressman Roskam provide a glimmer of hope beyond the courts for collegiate athletics reform.

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## Collegiate Athletics Reform: Evermore Likely up to the Courts

### *Clips Guest Commentary*

*Hope for congressional action on collegiate sports reform has been dimmed by the lack of response from Congressman Roskam to the guest author's entreaties.*

*By Frank G. Splitt, 02-27-12*

*If America is to do well in the 21st Century's globalization game, then it needs to get its priorities right, especially at our universities and government institutions. However, according to Henry Kissinger, the entire government system "is now much more driven by short-term political calculations, the need to keep powerful and vocal constituencies happy, and an eye on the next election."—From "Sports in America 2007: Facing up to Global Realities," p 18, [http://thedrakegroup.org/Splitt\\_Sports\\_in\\_America\\_2009.pdf](http://thedrakegroup.org/Splitt_Sports_in_America_2009.pdf)*

Subsequent to the February 2, 2012, posting of the College Athletics Clips commentary, "Collegiate Athletics Reform: Most likely up to the courts," an open letter was sent to Congressman Peter Roskam, Subject: Federal tax-code reform and the tax-exempt status of big-time NCAA programs; see the Appendix for a copy of the letter.

The purpose of the letter was to attempt to determine just how serious the congressman is about his bipartisan approach to tax-code reform as well as to attempt to gauge his appreciation of tax-related issues surrounding big-time collegiate athletics.

To date there has been no response from the congressman or his staff. As a consequence, one is left to wonder if this silence is a reflection of his true beliefs. That is to say the congressman's remarks (during his visit with the Daily Herald editors) about his bipartisan approach to tax-code reform could very well have been typical congressional demagogic rhetoric in this presidential election year, when politicians of all stripes are clamoring for simplification of the tax code and closure of tax loopholes.

"To get comprehensive tax reform, you have to have tremendous presidential leadership. There's no way around that to be successful," said Douglas Holtz-Eakin, the director of the Congressional Budget Office from 2003 to 2005 and who now heads the American Action Forum, a conservative public policy institute.

"Washington should stop subsidizing millionaires," Obama said in his State of the Union address—no doubt unaware of tax subsidies for numerous millionaire coaches and NCAA cartel as well as conference officials.

Economist Bruce Bartlett, author of *The Benefit and the Burden: Tax Reform – Why We Need It and What It Will Take* (Simon & Schuster, January 2012) is not optimistic about major tax reform no matter who wins the election. "I think the most we can hope for is a modest improvement to fix some glaring problems in the code," he said.

Congressman Roskam's silence could also reflect political risk avoidance. Who would ever want to jeopardize a promising political career by doing the right thing? Revisiting former House Ways and Means Committee Chair Bill Thomas' and The Drake Group's 2006 effort to determine whether these sports programs are truly an amateur enterprise that warrants tax exemption as an educational activity or is a profit-making, tax-avoiding commercial enterprise structured to provide the illusion of an educational activity would be politically risky business.

*If political gridlock and partisanship continue to paralyze public policy, ...if they ignore the fact that America's standing in the global pecking order may be in jeopardy, the anxious prognosis of America's decline could become its historical diagnosis.—From Strategic Vision: America and the Crisis of Global Power, by Zbigniew Brzezinski, 2012, p. 64*

Concerning Congressman Thomas' sharply-worded, October 2, 2006, letter to the late Myles Brand who was then president of the NCAA, the highly-regarded sports commentator Frank Deford said "Representative Thomas' barbed inquiry was the first real evidence I had that the Republicans knew that they were going to lose the House. Would any politician dare take on the college football and basketball constituency if he knew he was staying in power?"

Not surprisingly, Congressman Charles Rangel, Thomas' successor as the chair of the House Ways and Means Committee, dropped the inquiry like the proverbial hot potato—notwithstanding his statement on January 7, 2007, *This Week* program when he said: "I will be taking a look at all tax exemptions. .... And that, certainly, I join with Bill Thomas on that in taking a hard look at that as well as many, many other tax-exempt organizations."

Congressman Roskam's issue-ducking silence has dimmed the faint glimmer of hope for congressional action on collegiate athletics reform. Perhaps, like the debt-crisis ducking by the 2010 congressional supercommittee, this might very well be another symptom of failed governance—where political gridlock and partisanship renders Congress incapable of acting responsibly no matter how dire the need.

The conclusion: collegiate athletics reform is ever more likely up to the courts that need only follow the money.

## **APPENDIX: Open letter to Congressman Peter Roskam**

February 6, 2012

The Honorable Peter Roskam  
United States House of Representatives  
227 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Roskam:

**Subject:** Federal tax-code reform and the tax-exempt status of big-time NCAA programs

**Reference:** The College Athletics Clips commentary, "Collegiate Athletics Reform: Most likely up to the courts," <[http://www.thedrakegroup.org/Splitt\\_Courts.pdf](http://www.thedrakegroup.org/Splitt_Courts.pdf)>.

The following excerpt from the referenced commentary relates to your discussions at the offices of the *Daily Herald* as reported in "Roskam: Time ripe for tax-code reform, building consensus," <<http://www.dailyherald.com/article/20120130/news/701309738/>>.

Also, although partisan infighting and pre-election-year politics have led to political paralysis that could continue to keep Congress from acting on substantive issues there is always some hope that things will change. House GOP Chief Deputy Whip Peter Roskam (IL, 6th) believes that change can be brought about by building consensus. He pointed to history to suggest that

the time might be ripe for major changes, including tax-code reform as he outlined his legislative and political priorities for the year ahead to the Daily Herald. Those priorities include guiding House members to consensus.

Roskam also serves on the House Ways and Means Committee's Subcommittee on Select Revenue Measures—a position that allows him to focus effort on getting much-needed reform of the debilitating federal tax system. He said: "What we have right now is a tax code that nobody can defend. The whole concept is to make the tax code more competitive. There's a real opportunity to reform the tax code and that will create jobs and buoyancy."

Perhaps Congressman Roskam will see that everything is put on the agenda for tax-code reform—including the tax-exempt, nonprofit status for the NCAA and the sports entertainment businesses at colleges and universities supporting revenue-generating football and men's basketball programs, as well as for end-of-season bowl games and the NCAA's basketball tournaments.

The efforts of the Rutgers' faculty and Congressman Roskam provide a glimmer of hope beyond the courts for collegiate athletics reform.

As you must know, the questionable tax-exempt status of nonprofits was an abiding concern of Senator Chuck Grassley who has said: "It's obvious from the abuses we see that there's been no check on charities; big money, tax free, and no oversight have created a cesspool in too many cases." That was back in 2004 when he was the chair of the Senate Finance Committee and Dean Zerbe was his chief tax counsel.

Today there is growing concern that the tax-exempt status of the NCAA's big-time (revenue-generating) college sports programs has not only come to be treated as an entitlement—beyond the need for justification and congressional oversight—but also a contributing factor in the uncontrolled growth and corruption of these professionalized sports programs.

By addressing tax-reform in a comprehensive, bipartisan manner, you will create a window of opportunity to revisit former House Ways and Means Committee {HW&MC} Chair Bill Thomas' and The Drake Group's 2006 effort to determine whether these sports programs are truly an amateur enterprise that warrants tax exemption as an educational activity or a profit-making, tax-avoiding commercial enterprise structured to provide the illusion of an educational activity. No matter how justified the reason, an effort to build bipartisan consensus for this determination will evoke protests by many of your congressional colleagues and officials at the NCAA and affected schools, as well as football boosters and fans.

As you well know, overcoming partisan gridlock on entitlement issues will be a daunting task. The failure of the congressional Joint Select Committee on Deficit Reduction to come to bipartisan agreement speaks volumes about related difficulties. Illuminating as well is the troubling situation where vested money interests and the popularity of football-centered entertainment have prevented mitigating action commensurate with the seriousness of the reported threat by medical researchers of long-term mental and physical damage to football players. A good sense of this issue can be obtained from "Catholic silence on football risks" at <<http://nronline.org/news/people/catholics-silent-football-risks>>.

Finally, as one of your constituents, it would be my pleasure to provide you with historical perspectives on this important but contentious subject as well as answer questions related to my work with Dean Zerbe and staffers for former HW&MC Chairman Bill Thomas.

I look forward to your response.

Respectfully submitted,

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University

E-mail copies to: The Senate Finance Committee, Senator Dick Durbin, Senator Mark Kirk, Senator Chuck Grassley, Congresswoman Jan Schakowsky, The Chicago Tribune National Catholic Reporter,, The The Wall Street Journal, The Washington Post, The Congressman Bobby Rush, *The Daily Herald*, *The Chronicle of Higher Education*, *Inside Higher Ed*, *The New York Times*, *USA TODAY*, *The Chicago Sun Times*, *Associated Press*, *The Christian Science Monitor*, and *College Athletics Clips* among others.

***If Rome and Sparta could perish, what state could hope to live forever?—From On The Social Contract by Jean-Jacques Rousseau, 1762***

**Frank G. Splitt** is the former McCormick Faculty Fellow of Telecommunications, McCormick School of Engineering and Applied Science, Northwestern University, and Vice President Emeritus of Educational and Environmental Initiatives, Nortel Networks. He is a member of The Drake Group and the College Sport Research Institute's Advisory Committee, University of North Carolina at Chapel Hill, and recipient of The Drake Group's 2006 *Robert Maynard Hutchins Award*. A complete listing of links to his essays and commentaries on college sports reform can be found at <<http://thedrakegroup.org/splittessays.html>>

***FutureVectors, Inc.***  
**Mount Prospect, Illinois**

# **Collegiate Athletics Reform: Trilogy IV**

**“Academically Adrift” in a Sea of Sports and Mediocrity**

*Expands on previous observation on the Arum-Roksa book *Academically Adrift*.*

**Do-nothing feds complicit in reckless endangerment  
of institutions of higher education**

*Provides a follow-up to a previous open letter to Congressman Peter Roskam*

**The Shame of Financial Services and College Sports**

*Review of *Reckless Endangerment* draws parallels between the 2008 financial meltdown and what is seen as America’s floundering education enterprise.*

**By Dr. Frank G. Splitt**

*Prepared for distribution at the April 19-21, 2012, Scholarly Conference on College Sport, sponsored by the University of North Carolina at Chapel Hill’s College Sport Research Institute, to be held at the William C. Friday Center for Continuing Education on the campus of the University of North Carolina-Chapel Hill*

**March 23, 2012**

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***What has been allowed to become a circus—college sports—threatens to become the means by which the public believes the entire (higher-education) enterprise is a sideshow. — A. Bartlett Giamatti, 1987***

***If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged staggering from one crisis to another.  
—Aurelio Peccei and Alexander King, The Club of Rome, 1977***

# “Academically Adrift” in a Sea of Sports and Mediocrity

*CLIPS Guest Commentary*

By Frank G. Splitt, 03-04-12

Our guest author expands on his previous observations based on the provocative 2011 book *Academically Adrift*.

**The annual meeting** of the Association of American Colleges and Universities this past January occasioned the release of a follow-up report on the published research of Richard Arum and Josipa Roksa—calling renewed attention to their 2011 book, *Academically Adrift: Limited learning on college campuses*.<sup>[1]</sup>

**The Arum-Roska Observation** – In *Academically Adrift*, the authors provided data to back the observation that "Growing numbers of students are sent to college at increasingly higher costs, but for a large proportion of them the gains in critical thinking, complex reasoning, and written communications are either exceedingly small or empirically nonexistent."

"College leaders have long excused decades of relentlessly rising prices, exploding student-loan debt, and alarmingly high dropout rates with the assumption that students are learning. The prices are reasonable and the loans repayable, they say, because of the skills and knowledge that students acquire in exchange. And while dropouts are regrettable, we are told, that's an unavoidable—nay, admirable—consequence of maintaining high academic standards. *Academically Adrift* exposed the bankruptcy of those assertions," said Kevin Carey, the policy director at the Education Sector, an independent Washington think tank.<sup>[2]</sup>

**The Consequences of Limited Learning** – The object of the follow-up research was to discern the consequences of limited learning on outcomes via student progress since graduation: whether these graduates were employed, were enrolled in graduate school, what their living arrangements were, and how civically engaged they were. This was done by extending the study into early adulthood for 900 of the 2300 students studied in *Academically Adrift*. The results were published in a Social Science Research Council Report.<sup>[3]</sup>

The 'Adrift' follow-up story has been summarized as follows: "College graduates who showed paltry gains in critical thinking (as measured by the Collegiate Learning Assessment test) and little academic engagement while in college have a harder time than their more accomplished peers as they start their careers."<sup>[4]</sup>

**The Negative Impact of Big-Time Athletics** – In a related essay, Anthony Grafton noted the negative impact of collegiate athletics: "Practically every university (has) its festering sores....At many state universities and more than a few private ones, head football and basketball coaches earn millions and their assistants hundreds of thousands for running semiprofessional teams. Few of these teams earn much money for the universities that sponsor them, and some brutally exploit their players." <sup>[5]</sup>

*Academically Adrift didn't reveal anything that college leaders didn't know, in quiet rooms behind closed doors, all along. Academe was so slow to produce this research because it told the world things that those in academe would rather the world didn't know. —Kevin Carey*

Grafton's observation also relates to earlier remarks by this author:<sup>[6]</sup>

There should be no doubts about the author's (Arum's and Roska's) basic conclusion—it's the reason why schools have resisted learning-outcome assessments and why the NCAA cartel is quick to seek refuge in FERPA, the Family Educational Rights and Privacy Act, when asked to answer questions relating to the education of college athletes who are generally academically adrift. Who wants to reveal the fact that they are not doing a very good job at what they are supposed to be doing? Just imagine the blowback from tuition-paying parents, government funding agencies, and our nation's taxpayers—not to mention the Internal Revenue Service.

Murray Sperber has argued that colleges are substituting a party-like, "beer and circus" social environment for a meaningful education—an environment that serves to keep students happy, to marginalize faculty, and to maintain an ongoing flow of evermore tuition dollars.<sup>[7]</sup> The Arum-Roska observation certainly supports Sperber's earlier condemnation of higher education.<sup>[8]</sup> Nonetheless, the American public continues to enjoy their sports-entertainment.

*It is hard to read Sperber's book without having a sinking feeling about the future of American culture. He has managed to document one facet of our national decline in painstaking detail, and the result is an admirable, timely and profoundly disturbing work. — The New York Times Book Review*

**Stifled critical thinking** – Most likely the public is unaware of its sports-entertainment induced coma that effectively inhibit critical thinking and discussion of issues. There will be no complaint from government officials. From a political point of view it is much better to have the public discuss football and basketball games than it is to have it troubling these officials about the nation's unresolved problems.

After all, critical thinking could lead to uncomfortable questions as to why millions have lost their jobs, businesses and savings, why the price of gas is rising above \$4/gallon, why the housing market is taking so long to recover, why our national debt has grown so significantly, why we continue to depend on assistance from foreign countries to finance unaffordable government programs, why the ongoing political gridlock and partisanship in Washington and why contraception, rather than academically-adrift institutions of higher education, is such a hot political issue.

**Distorted Value Judgments** – Perhaps the value judgments of a portion of the public are somehow influenced by the enthusiasm for sports displayed by President Obama. For example, the *Associated Press* reported, "President Barack Obama gives his seal of approval to a college football playoff game, plans to welcome his hometown Chicago Bulls to the White House as NBA champions sometime in the next "five years" and he says he's been on the Jeremy Lin Bandwagon for a while." [9]

It is of interest to note that the Chicago Bulls are led by Derrick Rose, the 23-year-old NBA MVP, who became the toast of Chicago, thanks in large part to a sports-media culture that essentially overlooks the Rose-related cheating scandal at the University of Memphis. But there has been an exception.

**They can do better** – "Chicago is a great town with a lot of talented people. Among them is a president of the United States who is a huge basketball fan and knows the challenges faced by kids who grow up in poor homes. It would be great if he went to these disadvantaged neighborhoods and told kids to aspire to be professors at the University of Chicago, lawyers or community organizers. But President Barack Obama — and anyone else who cares about children — should not be telling them to be like Derrick Rose. They can do better," said Mark Yost, a Chicago area writer and author of the 2010 book *Varsity Green: A Behind the Scenes Look at Culture and Corruption in College Athletics*. [10]

"They" can do better—so can America's academically-adrift institutions of higher education as well as students whose graduation diplomas should represent significantly more than an attendance record and a passport to the world of alumni sports fans and donors.

**The Bottom Line** – We all need to wake up and face reality, our nation's institutions of higher education are academically adrift in a sea of sports and mediocrity. America cannot compete in the 21<sup>st</sup>-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities serve as prostitutes for the sports entertainment industry—with many focusing resources on athletics at the expense of academics so its best and most important future products could eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.

Also, although college-completion and graduation-rate goals stressed by President Obama and Secretary Duncan are certainly important, the quality of the educational process is absolutely critical. It makes no sense to increase graduation rates if the graduates have not responded to a challenge to engage in the serious process of personal and intellectual formation while learning how to work hard— learning what they need to learn and how to learn it as they aspire to be contributors and possibly leaders in their chosen professions.

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# Collegiate Athletics Reform: Do-nothing feds complicit in reckless endangerment of institutions of higher education

*Clips Guest Commentary*

By Frank G. Splitt, 03-15-12

*Having heard all of this you may choose to look the other way, but you can never again say that you did not know.—William Wilberforce (1759-1833)*

*Our guest author provides a follow-up to his previous open letter to his congressman.*

**Question:** What can be requested of a congressional representative that will almost assure no response?

**Answer:** Consideration of the tax-exempt status of the NCAA cartel's entertainment businesses to help curtail its reckless endangerment of America's institutions of higher education.

This commentary is centered on my Congressman Peter Roskam (R, 6<sup>th</sup> IL), the highly-regarded Chief Deputy Whip who serves on the House Ways and Means Committee's Subcommittee on Select Revenue Measures. Why my congressman?—because his position and stature allow him to focus effort on getting much-needed reform of the debilitating federal tax system as well as to see that everything is put on the agenda for tax-code reform.

“Everything” should include the tax-exempt status for the NCAA and its sports-entertainment businesses at colleges and universities supporting revenue-generating football and men's basketball programs, as well as for end-of-season bowl games and the NCAA's basketball tournaments. The Congress and the IRS continue to treat the NCAA's tax-exempt status as if it were a well-deserved entitlement.

The February 6, 2012, open letter to the congressman was sent with the aim of initiating a dialogue on the tax-exempt matter with an offer to provide him with historical perspectives on this important but contentious subject as well as answer questions related to my work with Dean Zerbe, the chief tax counsel for Senator Chuck Grassley—the former chairman of the Senate Finance Committee—and staffers for former House Ways and Means Committee Chairman Bill Thomas; see Appendix 1.

There was no response to the letter—prompting a second open letter; see Appendix 2. The letter concludes that more than eight years of effort aimed at engaging the federal government in college sports reform indicate—that no matter how dire the need—reform-minded individuals and organizations can only hope for meaningful corrective action via the courts.

Without such court action, college sports, like a runaway train, will continue to overwhelm everything in its way while the federal government continues to operate in a dysfunctional manner — looking the other way as it supports minor leagues for the NFL and NBA by allowing big-time college athletics to benefit from a lack of oversight, favorable tax policies, and unabashed pandering by its top officials.

Finally, it is not only frustrating to see members of Congress do nothing to provide corrective action to fix the broken status quo of out-of-control college sports, but also disheartening and a great disappointment to have to accept the utter futility of any effort to motivate corrective action by complicit government officials who hold their vested self interests above all else as they persist in overlooking the reckless endangerment of one of America's most precious resources—its institutions of higher education.

## APPENDIX 1: Open letter to Congressman Peter Roskam, February 6, 2012

The Honorable Peter Roskam  
United States House of Representatives  
227 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Roskam:

**Subject:** Federal tax-code reform and the tax-exempt status of big-time NCAA programs

**Reference:** The College Athletics Clips commentary, "Collegiate Athletics Reform: Most likely up to the courts," <[http://www.thedrakegroup.org./Splitt\\_Courts.pdf](http://www.thedrakegroup.org./Splitt_Courts.pdf)>.

The following excerpt from the referenced commentary relates to your discussions at the offices of the *Daily Herald* as reported in "Roskam: Time ripe for tax-code reform, building consensus," <<http://www.dailyherald.com/article/20120130/news/701309738/>>.

Also, although partisan infighting and pre-election-year politics have led to political paralysis that could continue to keep Congress from acting on substantive issues there is always some hope that things will change. House GOP Chief Deputy Whip Peter Roskam (IL, 6th) believes that change can be brought about by building consensus. He pointed to history to suggest that the time might be ripe for major changes, including tax-code reform as he outlined his legislative and political priorities for the year ahead to the Daily Herald. Those priorities include guiding House members to consensus.

Roskam also serves on the House Ways and Means Committee's Subcommittee on Select Revenue Measures—a position that allows him to focus effort on getting much-needed reform of the debilitating federal tax system. He said: "What we have right now is a tax code that nobody can defend. The whole concept is to make the tax code more competitive. There's a real opportunity to reform the tax code and that will create jobs and buoyancy."

Perhaps Congressman Roskam will see that everything is put on the agenda for tax-code reform—including the tax-exempt, nonprofit status for the NCAA and the sports entertainment businesses at colleges and universities supporting revenue-generating football and men's basketball programs, as well as for end-of-season bowl games and the NCAA's basketball tournaments.

The efforts of the Rutgers' faculty and Congressman Roskam provide a glimmer of hope beyond the courts for collegiate athletics reform.

As you must know, the questionable tax-exempt status of nonprofits was an abiding concern of Senator Chuck Grassley who has said: "It's obvious from the abuses we see that there's been no check on charities; big money, tax free, and no oversight have created a cesspool in too many cases." That was back in 2004 when he was the chair of the Senate Finance Committee and Dean Zerbe was his chief tax counsel.

Today there is growing concern that the tax-exempt status of the NCAA's big-time (revenue-generating) college sports programs has not only come to be treated as an entitlement—beyond the need for justification and congressional oversight—but also a contributing factor in the uncontrolled growth and corruption of these professionalized sports programs.

By addressing tax-reform in a comprehensive, bipartisan manner, you will create a window of opportunity to revisit former House Ways and Means Committee (HW&MC) Chair Bill Thomas' and The Drake Group's 2006 effort to determine whether these sports programs are truly an amateur enterprise that warrants tax exemption as an educational activity or a profit-making, tax-avoiding commercial enterprise structured to provide the illusion of an educational activity. No matter how justified the reason, an effort to build bipartisan consensus for this determination will evoke protests by many of your congressional colleagues and officials at the NCAA and affected schools, as well as football boosters and fans.

As you well know, overcoming partisan gridlock on entitlement issues will be a daunting task. The failure of the congressional Joint Select Committee on Deficit Reduction to come to bipartisan agreement speaks volumes about related difficulties. Illuminating as well is the troubling situation where vested money interests and the popularity of football-centered entertainment have prevented mitigating action commensurate with the seriousness of the reported threat by medical researchers of long-term mental and physical damage to football players. A good sense of this issue can be obtained from "Catholic silence on football risks" at <http://nronline.org/news/people/catholics-silent-football-risks>.

Finally, as one of your constituents, it would be my pleasure to provide you with historical perspectives on this important but contentious subject as well as answer questions related to my work with Dean Zerbe and staffers for former HW&MC Chairman Bill Thomas.

I look forward to your response.

Respectfully submitted,

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University

E-mail copies to: The Senate Finance Committee, Senator Dick Durbin, Senator Mark Kirk, Senator Chuck Grassley, Congresswoman Jan Schakowsky, Congressman Bobby Rush, *The Daily Herald*, *The Chronicle of Higher Education*, *Inside Higher Ed*, *The New York Times*, *USA TODAY*, *The Chicago Sun Times*, *The Chicago Tribune*, *The National Catholic Reporter*, *The Wall Street Journal*, *The Washington Post*, *The Associated Press*, *The Christian Science Monitor*, and *College Athletics Clips* among others.

Note: The title of this commentary was inspired by Gretchen Morgenson's and Joshua Rosner's book, *Reckless Endangerment: How Outsized Ambition, Greed, and Corruption Led to Economic Armageddon*, Times Books, Henry Holt and Company, 2011.

## APPENDIX 2: Open letter to Congressman Peter Roskam, March 12, 2012

The Honorable Peter Roskam  
United States House of Representatives  
227 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Roskam:

**Subject:** Washington ignores the need for college sports reforms

**Reference:** E-mail of February 6, 2012, Subject: Federal tax-code reform and the tax-exempt status of big-time NCAA programs

**Appendix:** Recent letters to the *Daily Herald*

There has been deafening silence from Washington in response to messages concerning the influence of big-time college sports on the decline in the quality of higher education in America. For example, see:

- o "Open letters to the President and his administration," March 17, 2009, at <http://thedrakegroup.org/Obama.pdf> and May 27, 2009, at <http://thedrakegroup.org/Obama2.pdf>
- o "Confidence Men"... On Wall Street and College Campuses," at [http://www.thedrakegroup.org/Splitt\\_Confidence.pdf](http://www.thedrakegroup.org/Splitt_Confidence.pdf)
- o "Collegiate Athletics Reform: A Collection of References from the *National Catholic Reporter*," at [http://www.thedrakegroup.org/Splitt\\_NCR.pdf](http://www.thedrakegroup.org/Splitt_NCR.pdf)
- o "'Academically Adrift' in a Sea of Sports and Mediocrity," [http://www.thedrakegroup.org/Splitt\\_Adrift.pdf](http://www.thedrakegroup.org/Splitt_Adrift.pdf)

Furthermore, the following books not only make it easy to see how Washington really works, but also provide deep insights into why there has been no support from the White House, the Congress or the Education Department for reforming big-time collegiate athletics:

- o *Winner Take All Politics: How Washington Made the Rich Richer--and Turned Its Back on the Middle Class* by Paul Pierson and Jacob Hacker, 2010,
- o *Reckless Endangerment: How Outsized Ambition, Greed, and Corruption Led to Economic Armageddon* by Gretchen Morgenson and Joshua Rosner, 2011,
- o *Throw Them All Out: How Politicians and Their Friends Get Rich* by Peter Schweizer, 2011.

Notwithstanding your lack of response to my open letter that was included in the referenced E-mail, you might still find the appended letters of interest—especially so if read in the light of the three parts of the commentary "Collegiate Athletics Reform: Trilogy III," namely: 1) A Call for Federal Intervention, 2) It's Likely up to the Courts, and 3) Evermore Likely up to the Courts. It can be accessed at [http://www.thedrakegroup.org/Splitt\\_Triology3.pdf](http://www.thedrakegroup.org/Splitt_Triology3.pdf)

No matter how dire the need, it appears that those in Congress with the responsibility and authority to act will do nothing to provide corrective action for out-of-control college sports that continue to overwhelm everything in its way. The federal government continues to operate in a dysfunctional manner while demagogic rhetoric abounds. The palpable wall of silence that seems to surround members of Congress prompted my message to the chief tax counsels for the Senate Finance Committee noted in my letter of March 10, 2012.

What more can be said about a dysfunctional government that allows the reckless endangerment of one our nation's most precious resources?

Respectfully submitted,

Frank G. Splitt  
710 S. William Street  
Mount Prospect, IL 60056-3959

E-mail copies to: The Senate Finance Committee, Senator Dick Durbin, Senator Mark Kirk, Senator Chuck Grassley, Congresswoman Jan Schakowsky, Congressman Bobby Rush, *The Daily Herald*, *The Chronicle of Higher Education*, *Inside Higher Ed*, *The New York Times*, *USA TODAY*, *The Chicago Sun Times*, *The Chicago Tribune*, *The National Catholic Reporter*, *The Wall Street Journal*, *The Washington Post*, *The Associated Press*, *The Christian Science Monitor*, and *College Athletics Clips* among others.

## **Appendix: The Author's Recent Letters to the Daily Herald**

### **Congress ignoring need for sports reforms (March 10, 2012)**

My Jan. 21 letter, "College sports need federal intervention," claimed that intervention by the federal government is the only way to bring about desperately needed reform to help constrain the uncontrolled growth of big-time football and men's basketball programs with its potentially devastating impact on America's colleges and universities.

However, my experience indicates that resolution of the problems brought on by the money-driven corruption in college sports will not come from government officials who seem to abide by their own version of the Hippocratic Oath: Do nothing to harm your chances for re-election. Members of Congress have chosen to do nothing, apparently believing they would violate this "oath" by intervening in college sports. Education Secretary Arnie Duncan put it this way: "If any of us are looking for Congress to solve this, good luck."

No matter how dire the need, those in Congress with the responsibility and authority to act will do nothing to provide corrective action. This, coupled with a palpable wall of silence that seems to surround members of Congress, prompted the following message to the chief tax counsels for the Senate Finance Committee: "Here's my conclusion after more than eight years of effort aimed at engaging the federal government in college sports reform: Reform-minded individuals and organizations can only hope for meaningful corrective action via the courts. Without such action, college sports, like a runaway train, will continue to overwhelm everything in its way while the federal government continues to operate in a dysfunctional manner — looking the other way as it supports minor leagues for the NFL and NBA by allowing big-time college athletics to benefit from a lack of oversight, favorable tax policies, and unabashed pandering by its top officials."

The courts need only follow the money.

### **College sports need federal intervention (January 21, 2012)**

The Daily Herald Editorial Board served their readers well when it said: Kept in perspective, athletics play an important role in college life, ["Keeping bowl fever in perspective," Our View, Jan. 3, 2012].

However, the American public's sports fever—stemming from seemingly unbounded love of college sports entertainment at any cost—makes it difficult to maintain this perspective. Worse yet, this sports fever can be readily exploited by skilled marketing professionals to the long-term detriment of the integrity and health of higher education in America.

The incremental cost of such exploitation to build an ever bigger college sports entertainment enterprise, such as advocated by Larry Scott, the Pac-12 Conference Commissioner, amounts to the cost of expanding on a heretofore eminently successful business model. Simply stated, the cost involves the further prostitution of America's already compliant colleges and universities without any requirements for transparency and accountability, as well as with apparently acceptable artifacts of this prostitution— tax-free revenues, unbridled greed, manifold corruption, and blatant hypocrisy.

Based on over eight years of research on college sports reform, my experience indicates that intervention by the federal government is the only way to bring about desperately needed reform to help constrain the uncontrolled growth of big-time football and men's basketball programs with its potentially devastating impact on America's colleges and universities.

### **Questionable culture in college athletics (November 27, 2011)**

Richard Cohen's Nov. 9 column was headlined, "When all seems lost, culture pulls a nation through." True enough, but culture can lead to a nation's downfall as well.

Consider the following. Although cheating, academic corruption, brain injuries, deaths and cover-ups in collegiate athletics can have a disastrous impact on America's citizens, its educational institutions and its long-term vital interests, they certainly don't generate the attention and headlines associated with sex-related scandals. However, the current sex-abuse scandal at Penn State University is not only a mix of both, but also illustrative of the extent to which school officials will go to protect their sports entertainment businesses and coaches.

Some 80 years ago philosopher Alfred North Whitehead wrote that when one compares the importance of education with "the frivolous inertia with which it is treated," it is "difficult to restrain within oneself a savage rage," an apt description of the feelings of those who see collegiate athletics prioritized over academics at schools sponsoring big-time football and men's basketball programs — programs that are not only hugely popular with America's sports-obsessed public but also are government subsidized by virtue of favorable tax policies.

It's all about America's culture. As Cohen writes: Culture "is the most important story of our times."

# The Shame of Financial Services and College Sports

## *Clips Book Review*

*Our guest author again draws parallels between the 2008 financial meltdown and what he sees as America's floundering education enterprise.*

*By Frank G. Splitt, 03-22-12*

Subject Book: *Reckless Endangerment: How Outsized Ambition, Greed, and Corruption Led to Economic Armageddon* by Gretchen Morgenson and Joshua Rosner, Times Books, Henry Holt and Company, 2011.

**Paraphrasing the introductory remarks** by the authors, I felt compelled to write this review because I see our nation's education enterprise floundering—academically adrift in a sea of sports and mediocrity.[1]

Although this consummately researched and well-written book ought to be read by every American citizen, it's a must-read for those interested in collegiate athletics reform, if for no other reason than it provides an almost perfect metaphor for the scandals, schemes, deceits, deceptions and corruption that slowly but surely are pushing many of America's institutions of higher education to the brink.

Officials at the National Collegiate Athletic Association and its member institutions (a.k.a. the NCAA cartel) and plutocratic school governing boards, as well as conference and entertainment media officials, are seemingly working together to recklessly endanger the foundations of higher education in America by prioritizing athletics over academics to suit their vested interests. See "Collegiate Athletics Reform: Do-nothing feds complicit in reckless endangerment of institutions of higher education." [2]

As in the case of the homeownership-for-all financial-services debacle, do-nothing federal officials are complicit in this endangerment by a business enterprise that is long on self promotion and short on justification for its tax-exempt status.

As for self promotion, see the 3-page, NCAA advertisement, "The Business of the NCAA," in the March 12, 2012, issue of the *Wall Street Journal*. The ad—replete with an article by Joe Mullich, "College Athletics Build to Business Success"—was likely aimed at offsetting the negative image of the NCAA cast by Taylor Branch's "The Shame of College Sports," pending antitrust lawsuits, and Joe Nocera's scathing op-eds in the *New York Times*. [3] For Nocera's views on the 2008 financial meltdown, see *All the Devils Are Here*, a *Times* bestseller he co-authored with Bethany McLean.

The NCAA and its sports-entertainment businesses, as well as end-of-season bowl games and the NCAA's basketball tournaments, are exempted as educational institutions. The Congress and the IRS continue to treat this tax-exempt status as if it were a well-deserved entitlement—in effect a government subsidized enterprise, i.e., an unofficial type of "GSE."

Like a runaway train, akin to Fannie Mae in its heyday, professionalized college sport will continue to overwhelm everything in its way while the federal government continues to operate in a dysfunctional manner—looking the other way as it supports minor leagues for the NFL and NBA by allowing big-time college athletics to benefit from a lack of oversight, favorable tax policies, and unabashed pandering by its top officials--shades of the characters in *Reckless Endangerment*.

I read a library copy of the book and then ordered my own copy from Amazon. Why?—because the book is not only a goldmine of information on how Washington really works, but also provides deep insights into the likely modus operandi of 'connected' business enterprises. For example, here's a Ralph Nader quote taken at a time when he was complaining about the lobbying efforts of Fannie Mae officials: "It's all a matter of know-who, not know-how. They've perfected all the techniques of lobbying and pay massive salaries for Rolodex hiring to ensure against any change."

*Reckless Endangerment* is considered essential reading for anyone struggling to understand how the NCAA and its member colleges and universities supporting big-time football and men's basketball programs have maintained the status quo—foiling collegiate athletics reform at every turn.

To learn more about the college sports entertainment business, read Pulitzer Prize winning author Taylor Branch's aforementioned piece "The Shame of College Sports," *The Atlantic Monthly*, October 2011—an extended version of the article is available as an e-book at Amazon. Like Morgenson and Rosner, Branch exposes dirty secrets to the public eye. Also see "Confidence Men".... On Wall Street and College Campuses." [4]

Finally, to better understand the importance of education to America's future, see "Sports in America: Facing Up To Global Realities"[5] and the Council on Foreign Relations Panel Report, "U.S. Education Reform and National Security." [6] Note that the CFR panel was chaired by Joel I. Klein, a former New York City schools chancellor who is now executive vice president at News Corporation where he oversees its education division, and former Secretary of State Condoleezza Rice, now the Thomas and Barbara Stephenson Senior Fellow on Public Policy at the Hoover Institution; and a professor of political science at Stanford University.

NOTE: In large part, this review is based on the author's March 21, 2012 Amazon.com review of *Reckless Endangerment*.

#### WEB LINKS

1. [http://www.thedrakegroup.org/Splitt\\_Adrift.pdf](http://www.thedrakegroup.org/Splitt_Adrift.pdf)
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6. <http://www.cfr.org/united-states/us-education-reform-national-security/p27618>

### **On scandals and balance between academics and athletics**

A comment on "Concerns About Sports, Backing for Obama: a Survey of Presidents," by Doug Lederman, Kevin Kiley and Scott Jaschik, *Inside Higher Ed*, March 8, 2012, <http://www.insidehighered.com/news/survey/concerns-about-sports-backing-obama-survey-presidents>

"About 7 in 10 college and university presidents believe that the past year's sports scandals have damaged all of higher education and that institutions spend way too much on intercollegiate athletics -- but barely a quarter say their own campuses are susceptible to such scandals or overspend on sports."

No surprise here. Presidents are appointed to serve at the pleasure of a school's governing board. And the pleasure of the most vocal and wealthiest of these board members at NCAA Div 1 schools usually involves winning football and basketball teams. If asked, these presidents would not only say they have a good balance between athletics and academics, but will say they don't cheat as well.

The balance is uneven—a mixed bag depending on the institution. It's also a function of time and a multitude of other variables some of which are external in nature, for example, reaction to exposure by whistle-blowers. My opinion on balance is grounded in Robert Maynard Hutchins' belief that "they all cheat." To that I would add: some more than others.

With that caveat in mind I would say relatively good balance is achieved at schools like Notre Dame, Duke, Stanford, Northwestern and Boston College while relatively poor balance is likely to be found at schools like Auburn, Alabama, Louisiana State, Oklahoma, Connecticut and Miami. To illustrate the point that even the best schools have troubling times, see *Under the Tarnished Dome: How Notre Dame betrayed its ideals for football glory* by Don Yaeger and Douglas Looney (Simon and Schuster, 1993).

No doubt, careful analysis would find a strong correlation between high national school rankings (BCS, March Madness Tournament, and conference) with an out-of-balance (athletics-over-academics) school ranking. As College Football Hall of Fame Coach Gil Dobie once quipped, "You can't win games with Phi Beta Kappas."

*Frank G. Splitt, former McCormick Faculty Fellow, McCormick School of Engineering and Applied Science, Northwestern University*

*I believe I have worked here long enough to understand the trajectory of its culture, its people and its identity. And I can honestly say that the environment now is as toxic and destructive as I have ever seen it.*—From "Why I Am Leaving Goldman Sachs" by Greg Smith, *The New York Times*, March 14, 2012

***FutureVectors, Inc.***  
**Mount Prospect, Illinois**



# **College Sports Reform: A View of the Likely End Game via Four Related Commentaries**

## **It's Time to Expose the Big Lie**

*Congress has been reluctant to strip the NCAA and its member universities of their tax-exempt status and so help limit the seemingly uncontrolled growth of professionalized big-time college sports entertainment.*

## **Striking Parallels of Abuse**

*A follow up on previous commentaries on Penn State points out the striking parallels between the sexual abuse scandal at Penn State and in the many such scandals in the Catholic Church.*

## **The Tainted Glory of College Sports**

*On the motivation behind Sonny Vaccaro's endorsement of David Ridpath's book, Tainted Glory, and the antitrust lawsuits against the NCAA while again pointing out the need for corrective action in the world of college sports.*

## **On Taxing College Sports Related Revenues**

*On why questionable tax breaks—treated as entitlements by the NCAA and its member institutions—go unchallenged by the federal government and what lies ahead*

**By Dr. Frank G. Splitt**

*FutureVectors, Inc.*  
Mount Prospect, IL

**December 31, 2012**

*Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason.*

—Thomas Paine, 1776

*College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy. There are occasionally abortive attempts to turn football into an honest woman, but to date, the fine old game that interests and entertains literally millions of people has managed to withstand these insidious attacks.*

—Paul Gallico, *Farewell to Sport*, 1938

*It is worth a take-home exam to discover how the brains behind higher education have lost their minds in the pursuit of football superiority.*

—Selena Roberts, 2008

## PREFACE

This is a revealing set of commentaries in the sense that it will likely lead open-minded readers to ask: How can college-conference officials and those at the NCAA and its member colleges and universities continue to get away with their “big lie” about amateur college athletes and the related tax scam involving the exploitation of so-called student athletes? These counterfeit amateurs are passed off as legitimate students so as to create the illusion that NCAA and conference operations fit the academic mission of the participating schools—generating billions of dollars of untaxed revenues for said operations.

Despite the presently unrestricted growth of the professionalized college-sports entertainment industry that is fueled by massive amounts of untaxed income, there currently is no one in Washington who is willing and able to take on this industry. That is to say, there is no one willing and able to give serious consideration to conditioning the tax-exempt status of colleges and universities sponsoring big-time football and men’s basketball programs on the programs’ compliance with the federal requirements for this status.

The Drake Group has engaged in a nine-year, Sisyphean-like struggle in attempts to engage government officials on the tax-exempt status of the NCAA cartel with the aim of catalyzing corrective action not only to help restrain this growth, but also to help resolve related issues. This struggle has involved multiple communications and appeals to both the House and Senate sides of the U. S. Congress, the U. S. Department of Education, as well as two open letters to President Obama.

The very latest effort involved the promulgation of the last of the following four commentaries, "Collegiate Athletics Reform: On taxing college sports related revenues," that begins with references to two revealing front-page stories in the *Marketplace*-section of the December 10, 2012 issue of the *Wall Street Journal* and then goes on to include a postscript based on remarks made in e-mails covering the transmission of the pre-postscript commentary to the Chief Tax Counsels for the Senate Finance Committee, and to my congressional representative.

Apparently, the tax-free moneymaking and blatant hypocrisy in the college-sports entertainment industry will continue to go unchallenged by elected politicians. By letting sleeping dogs lie, not only government officials, but also school and conference officials avoid the risk of losing contributions or getting turned out of office by boosters or sports fans who are addicted to being entertained by college teams that play at professional levels.

With but few exceptions, the outcomes of the Drake Group's efforts to engage government officials have proved to be unsuccessful—most disappointing and frustrating to say the very least. Expect elected officials to continue to muddle along—avoiding any and all attempts to restrain the college-sports entertainment industry no matter the need.

Certainly if the Penn State sex-abuse scandal did not motivate President Obama to say as he did after the Sandy Hook school killings that he will “use whatever the power this office holds to engage my fellow citizens” in preventing gun tragedies, don’t expect him to speak out to prevent the exploitation of college athletes and the hijacking of America’s education system by this entertainment industry.

All the while, America's colleges and universities that sponsor big-time football and men’s basketball programs continue on their march of folly: defiling academic integrity via rampant cheating, warping academic missions, fleecing American taxpayers who help pay multimillion-dollar salaries for coaches and many millions of dollars more for stadiums, arenas, and jocks-only academic eligibility centers— not to mention harboring violent athletes, providing weak testing and inconsistent punishment for

schools that cheat and for athletes that use performance-enhancing drugs, as well as sponsoring games where players can suffer blown knees, paralyzing broken necks, and long-term concussive brain damage if not death.

America's colleges and universities are short changing our nation that deserves a world-class system of higher education that values academics well above athletics,

But it is what it is. So, here's a sad conclusion: No matter how unjustified, elected politicians seem to consider the nonprofit status of the NCAA cartel and college football and basketball conferences to be a "3rd-rail" entitlement program—a program with dire long-term consequences....consequences that appear beyond the collective ken of these politicians who currently comprise our nation's polarized, dysfunctional government that will likely be locked in bitterly divisive politics over taxing and spending for the foreseeable future.

I now have reluctantly come to agree with John Columbo, the Albert E. Jenner, Jr. Professor of Law at the University of Illinois, who has advised: "There are many things tax policy can accomplish. This isn't one of them." Why? Because elected officials fear retaliation by voters and vested interests so won't even challenge the justification for the college-sports "entitlement" of tax-breaks. Consequently, loop-hole-free taxation of college-sports revenues won't be given a chance to prove its effectiveness.

Finally, it is my view that the beginning of the end game for serious collegiate athletics reform will stem from the antitrust lawsuits against the NCAA driven by Sonny Vaccaro. The postscript in the commentary "On taxing college sports related revenues," and the commentary "The Tainted Glory of College Sports," tell why this is so.

I believe the lawsuits will break ground that will help facilitate The Drake Group's mission as well as the missions of other reform-minded organizations such as the American Council of Trustees and Alumni (ACTA), the National College Players Association (NCPA), and the National Coalition Against Violent Athletes (NCAVA).

Frank G. Splitt  
December 31, 2012

*Telling the truth about a given condition is absolutely requisite to any possibility of reforming it.*

—Barbara Tuchman

*A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship. The average age of the world's greatest civilizations has been 200 years.*

—Unknown author (usually attributed to the eighteenth-century Scottish historian Alexander Tytler)

# It's Time to Expose the Big Lie

*a Clips Guest Commentary*

*Our guest author believes Congress has been reluctant to strip the NCAA and its member universities of their tax-exempt status and so help limit the seemingly uncontrolled growth of professionalized big-time college sports entertainment.*

By Frank G. Splitt, 04-12-12

*Given the mountain of mistakes the NCAA has made in the past year and beyond, it is long past the time Congress stripped the NCAA and its member universities of their tax-exempt status.*  
—Bob Gilbert<sup>1</sup>

**Stripping the NCAA cartel** (the NCAA and its member colleges and universities) of its tax-exempt status by the Congress would certainly help limit the seemingly uncontrolled growth of professionalized big-time college sports entertainment by putting a break on what appears to be a runaway financial train. However, this stripping would require a great deal of congressional courage because it would mean exposing an inconvenient truth—the false claim, i.e., the lie that forms the basis for the cartel's tax-exempt status.<sup>2-3</sup>

Members of Congress do not want the lie exposed since exposure would be contrary to their vested interests—leading to potentially painful and damaging political consequences.<sup>4</sup>

Nonetheless, the time may be right to not only think "stripping," but also to exposing the big lie.

I was first made aware of the "lie" by Rick Telander via his book, *The Hundred Yard Lie*.<sup>5</sup> Then came Jon Ericson who introduced the notion of the "big lie" in the Afterword to one of my first essays<sup>6</sup> as can be seen in the following excerpt:

Instruction 2: Focus not on a multi-point list of proposals to address the corruption in college sports, but on one key idea. Problem-Solving 101 suggests the one big idea should be exposing the lie that is the basis for the academic corruption in college sports:

[Bob] LEY [on ESPN's "Outside the Lines"] – Well Tom [McMillen, former Knight Commission member], you brought up the issue of academic integrity. I'm going to bring in a piece of tape with Jon Ericson of the reform minded Drake Group; what he calls the big lie having to do with college athletics.

ERICSON – It is that you can take an under-prepared student [who] does not have the skills to do academic work in higher education, then, take that student, give him a job 30 hours a week where he will be tired when he does come to class -- he's also excused for maybe seven -- maybe eight or nine classes and expect him to acquire anything close to what we would call a university education.

LEY – Is that true?

MCMILLEN – It's absolutely true.

*Absolutely true?* It is commonplace. As co-chair of the Knight Commission William Friday said: "What has happened with grades and courses seriously threatens the integrity of the institution. The university cannot tolerate these practices."

Once again, attention has been called to the "lie"—this time by Joe Nocera, the widely-read *New York Times* columnist who has written a number of scathing NCAA-related op-eds.<sup>7</sup>

To the point, in his most recent op-ed Nocera wrote:<sup>8</sup>

"All of the problems in college sports stem from one root cause," she (Ellen Staurowsky) told me recently. "It is all built on a lie." Until we acknowledge that lie, the freshmen football players will be studying Swahili.

As if on cue, the very next day an article on the federal law against lying appeared on the front page of *The Wall Street Journal*.<sup>9</sup>

To the best of my knowledge, the law against lying, Title 18, Section 1001 of the U.S. Code, and the False Claims Act have never been used to flush out the big lie.

It's about time to do so. Perhaps it will be left to the likes of David Ridpath<sup>10</sup> and Sonny Vaccaro<sup>11</sup> to make it happen. In the meantime the NCAA is trying to resolve what it perceives to be an image problem.<sup>12</sup>

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3. \_\_\_\_\_, "The Student-Athlete: An NCAA False Claim?" *College Athletics Clips*, November 21, 2006, [http://thedrakegroup.org/Splitt\\_The\\_Student\\_Athlete.pdf](http://thedrakegroup.org/Splitt_The_Student_Athlete.pdf)
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10. Ridpath, B. David, *Tainted Glory: Marshall University, the NCAA, and One Man's Fight for Justice*, iUniverse, 2012. Robert Lipsyte, former New York Times columnist, claims "this is the best insider's examination of a corrupt system that I have ever read."
11. Branch, Taylor, "The Shame of College Sports," *The Atlantic Monthly*, October 2011, <http://www.theatlantic.com/magazine/archive/2011/10/the-shame-of-college-sports/8643/>. Branch opens with remarks about Vaccaro and then elaborates on his behind-the-scenes role in the antitrust lawsuits against the NCAA later in the narrative.
12. "NCAA Thinks It Has an Image Problem," *Inside Higher Ed Quick Take*, April 13, 2012, <http://www.insidehighered.com/quicktakes/2012/04/13/ncaa-thinks-it-has-image-problem>  
The author's comment on this *Inside Higher Ed Quick Take* was based on this commentary.

***This was the last in a series of four documents prepared for distribution at the April 19-21, 2012, Scholarly Conference on College Sport, sponsored by the University of North Carolina at Chapel Hill's College Sport Research Institute.***

## Striking Parallels of Abuse

*Clips Guest Commentary*

*By Frank G. Splitt, 07-14-12*

*Having heard all of this you may choose to look the other way, but you can never again say that you did not know.—William Wilberforce (1759-1833)*

*Our guest author follows up on his previous commentaries on Penn State by pointing out the striking parallels of sexual abuse at Penn State and in the cases of abuse in the Catholic Church.*

In the July 12, 2012, *Inside Higher Ed* piece, "Culture of Complacency: Freeh report faults Penn State athletics culture," "[1] Allie Grasgreen quotes Orin Starn, chair and professor of cultural anthropology at Duke, as saying:

"Comparing the structure of athletics programs to the Catholic Church, he added, "They're certainly systems where once abuse happens, because they're so hierarchical and because such fealty is owed to the head coach, that they very quickly get into cover-up and not owning up, a lack of transparency."

Therein, Professor Starn illuminates the striking parallels between the pedophile abuse at Penn State and the pedophile abuse in the Catholic Church.

It is difficult to differentiate between the behavior of the Catholic Church when it was confronted with many hundreds of worldwide pedophile cases and the behavior at Penn State University detailed in the July 12, 2012, Freeh Report that made liberal use of phrases like “extremely poor leadership,” “irresponsibility,” “creating dangerous situations for children,” “repeatedly concealed facts” and “showing no concern for the victims.” [2]

The behavior at both institutions was characterized by conspiracies of silence and structures of deceit, denial, corruption, cover-ups, as well as the shockingly callous disregard for the victims of the abuser.

As the AP reported: "The NCAA said yesterday it expects Penn State to answer a handful of crucial questions stemming from the child sex-abuse case against Jerry Sandusky, any of which could result in sanctions against the school. See "NCAA looking for answers from PSU." [3]

The NCAA can't really be serious. It's tantamount to a mother fox looking for answers to explain the dead chickens killed by one of her well-trained kits.

Answers are difficult if not impossible to obtain in colleges and universities because of the federal Family Education and Privacy Act (FERPA). The NCAA and its member institutions employ FERPA to avoid scrutiny of the academic performance and bad behavior of its so-called student-athletes. For example, Iowa's highest court just ruled that the University of Iowa can withhold hundreds of documents related to its inquiry into a dorm-room assault, the state's highest court ruled Friday in a case pitting safeguards for student privacy against calls for transparency about campus crime. See Joe Palazzolo's July 14, 2012, *Wall Street Journal* article "Iowa College Can Shield Student Data, Court Rules." [4]

For more on conspiracies of silence see Chapter 12 of Garry Wills' book, *Papal Sins: Structures of Deceit*. Also see, "Collegiate Athletics Reform: Lessons from Penn State" [5] and "Collegiate Athletics Reform: Lessons from Penn State Redux." [6]

#### Web Links

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*For too long, the (college and university governing) boards have been viewed more as boosters than as legal fiduciaries.\**

—Anne Neal, President of the American Council of Trustees and Alumni

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\* The Penn State sex-abuse scandal alerted the nation to the failure of university boards of trustees to do their jobs and properly oversee the conduct of administrators. Penn State football was out-of-control, and the president and trustees engaged in a cover-up. For the source of the quote, see the July 12, 2012, *New York Times* story "In Report, Failures Throughout Penn State" <[http://www.nytimes.com/2012/07/13/sports/ncaafootball/in-freeh-report-on-sandusky-failures-throughout-penn-state.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2012/07/13/sports/ncaafootball/in-freeh-report-on-sandusky-failures-throughout-penn-state.html?pagewanted=all&_r=0)>.

# Collegiate Athletics Reform: The Tainted Glory of College Sports

*College Athletics Clips Guest Commentary*

*Our guest author focuses on the motivation behind Sonny Vaccaro's endorsement of David Ridpath's book, Tainted Glory, and the antitrust lawsuits against the NCAA while again pointing out the need for corrective action in the world of college sports.*

Frank G. Splitt, 11-17-12

*If you care, truly care about sports and academics—you have to read this book.*  
—Sonny Vaccaro, former Sports Marketing Executive

The above quote was taken from the jacket for David Ridpath's 2012 book, *Tainted Glory*. [1]

Notwithstanding the claim of Robert Lipsyte, former *New York Times* columnist that “this is the best insider’s examination of a corrupt system that I have ever read,” few sport fans will actually take the time to respond to Vaccaro’s appeal. No doubt, Ridpath’s book will be considered by NCAA, college, and government officials as well as media supporters and other defenders of the status quo, as just the latest in a very long list of revelatory books on the corrupt college sports entertainment business – books they seem to believe are akin to attacks on motherhood and the American flag. [2]

To better understand the motivation behind Vaccaro’s appeal see Libby Sander’s article, “The Gospel According to Sonny,” [3] wherein Sander tells how Sonny Vaccaro helped commercialize college sports and why he wants athletes to get their due.

More insights into Vaccaro’s motivation can be found in Pulitzer-Prize-winning Taylor Branch’s essay “The Shame of College Sports.” [4] Branch begins his narrative with remarks about Vaccaro and then elaborates later in the narrative on Vaccaro’s behind-the-scenes role in the antitrust lawsuits against his nemesis (the NCAA).

*The NCAA would have you believe that it is the great protector of amateur athletics, preventing college athletes from being tainted by the river of money pouring over college sports. In fact, the NCAA's real role is to oversee the collusion of university athletic departments, whose goal is to maximize revenue and suppress the wages of its captive labor force, aka the players. [5] — Joe Nocera, New York Times columnist*

Also consider Vaccaro’s comment:

*It has taken me a long time to acknowledge the inequity in athletics and academics. When you are so deeply involved on one side of the fence you fail to see the other. When I finally emerged from my cocoon and looked over the other side of the fence, I knew then that I wanted to get out my sword and go after the windmills. I wanted to try and make sense of reasons for the failure of people to understand that academics and athletics could coincide in college sports. [6]*

The most poignant of all Vaccaro stories comes from Neal Gabler, a University of Southern California professor, journalist, author, film critic and political commentator. His essay, “The Redemption of a Sneaker Pimp,” [7] addresses two questions, to wit: 1) Did Sonny Vaccaro ruin college sports? and 2) Is he really the right guy to save them? Gabler tells how Vaccaro has been criticized through the years for turning college sports into big business that takes advantage of so-called student athletes.

He then tells how Vaccaro intends to make amends with the sports world before it’s too late. Vaccaro is hoping his lawsuit will do just that with respect to his reputation. “He doesn’t want to be known as the man who commercialized amateur athletics. He wants to be known as the man who wound up changing the system that abused young athletes. He just might do it,” says Gabler.

Finally, we all need to wake up and face a sad reality: Our nation’s institutions of higher education are academically adrift in a sea of sports and mediocrity. America cannot compete in the 21st-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities serve as prostitutes for the sports entertainment industry—with many focusing resources on athletics at the expense of academics so its best and most important future products could eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.



Unfortunately, the slow but sure decline of America's educational system will continue, unless and until the growth of the professionalized college sports entertainment industry is restrained 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 that—like the current Vaccaro-inspired antitrust lawsuits—would be strongly resisted by the NCAA, which admits nothing and denies everything, while obfuscating and litigating to the best of its considerable ability.

Perhaps it will be left to Sonny Vaccaro and the likes of David Ridpath and his colleagues in The Drake Group to bring about significant corrective action in collegiate athletics that have been tainted by immense oceans of tax-free money. Absent this corrective action, reform-minded organizations and individuals are likely to adopt the approach of Don Quixote's faithful squire Sancho Panza and just laugh at America's 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.

#### POSTSCRIPT

*Once you get rid of integrity, the rest is a piece of cake.* — Larry Hagman, as J.R. Ewing, a rapacious, roguishly charming Texas oilman on "Dallas."

Three recent publications inspired the above Clips Guest Commentary: 1) Dave Ridpath's book, *Tainted Glory*, 2) Neal Gabler's October 2012, *Playboy* article, "The Redemption of a Shoe Pimp," and 3) Brad Wolverton's *Chronicle* article, "Need 3 Quick Credits to Play Ball: Call Western Oklahoma." [8]

Ridpath's book provides a striking example—a case study—of how America's institutions of higher education destroy academic integrity. In a foreword to the book, Dr. Richard Vedder said: *The commercialization of big time sports has led universities to compromise their academic and moral integrity. The time for reform is now.*

The Clips commentary formed the basis for a review of the book. [9] Both the book and Gabler's essay are referenced in the commentary.

In the third publication, Brad Wolverton describes how providing accredited 10-day online academic courses enable college athletes to satisfy eligibility requirements with a minimum of effort—generating significant revenue for the institution. The process certainly raises serious questions about the institution's academic integrity but even more serious questions about the integrity of the NCAA's Academic Progress and Graduation Rates.

Shortly after the publication of Wolverton's piece, a newspaper report detailed accusations from a University of North Carolina-Chapel Hill reading specialist about how the school and its academic support system tolerated and participated in cheating to keep athletes eligible to compete. [10] The specialist said numerous people in the academic support program looked the other way at plagiarism and knew of the school's no-show classes that were billed as lecture classes but never met. Those classes were frequently a favorite of athletes.

In the end, it's about glorious pageantry, rabid fans, and America's sports culture, but above all it's about enabling academic corruption and the loss of academic integrity, complicity and immense amounts of tax-free money. A good sense of the glory and money dimensions as well as the sports entertainment industry can be obtained by viewing *CBS's 60 Minutes* program segment, "Has college football become a campus commodity?" [11]

FGS, 11-27-12

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## Collegiate Athletics Reform: On taxing college sports related revenues

### *Clips Guest Commentary*

*The writer says entitlements provide the NCAA and its member institutions with a wide variety of tax breaks.*

*Frank G. Splitt, 12-12-12*

**Big money associated with college football** was the focus of two front-page stories in the Marketplace Section of the December 10, 2012 edition of *The Wall Street Journal*. [1, 2] "College football is a multibillion-dollar, taxpayer-subsidized business. That's a lot of public investment in head trauma," said Patrick Hubry in his essay on long-term brain damage from football. [3]

It's also a lot of investment in an entertainment business that exploits college athletes and warps the academic mission of many colleges and universities via an overemphasis on sports and related academic corruption with a consequent loss of academic integrity, while prompting cheating and the use of performance enhancing drugs that spawn violent athletes. It's all about money....and tax free at that.

*The university presidents, conference commissioners, athletic directors and corporate marketers who attend (the annual IMG Intercollegiate Athletics Forum) spend very little time mouthing the usual pieties about how the "student-athlete" comes first. Rather, they gather each year to talk bluntly about making money. —Joe Nocera[4]*

University athletics benefit from in what can be likened to a stealth entitlement. Donors can usually write off gifts for athletic facilities and the right-to-purchase tickets. For example, federal tax revenues are lost because more than 1,000 university sports departments are eligible to extort deductible gifts as a condition for ticket sales. According to Andrew Zimbalist, an economist at Smith College: "based on the Bloomberg sampling, it wouldn't be unreasonable to estimate that giving related to season tickets may total \$1 billion a year." [5]

Also, college programs are excused from paying taxes on billions of dollars in revenue from television, advertising, sponsorships, licensing and royalties since stadiums and academic-support centers (a. k. a. eligibility centers) built or renovated using municipal debt benefit from lower costs as buyers of the bonds are exempt from taxes on interest.

Almost all of this tax revenue has been lost because the NCAA cartel has somehow convinced the IRS that it is compliant with its 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"; that is, its athletes are real students and its sports businesses are an integral part of its academic

mission. So too have conference officials. The IRS has challenged the tax breaks but is faced with a formidable problem, to wit: without transparency, accountability and independent oversight the IRS is literally forced to accept the word of the cartel's representatives.

In 2006, three College Athletics Clips commentaries addressed this problem.[6-8] These commentaries encouraged the comments on the Draft of a Redesigned IRS Form 990 by The Drake Group.[9] The reader's attention is called to the final paragraph of the last section of [8], titled: "A 'QUID PRO QUO' TACTIC." The wording in this paragraph was echoed in Note 21 of the comments:

*Conditioning the continuation of the NCAA's tax-exempt status on their meeting specific reporting requirements such as outlined herein and plugging the tax loopholes that help subsidize the college sports arms race will provide a strong message as to the serious nature of the revised Form 990 and its schedules....Failure to implement and comply with the IRS reporting requirements should put the NCAA and/or individual institutions at risk of losing their tax-exempt status. Once implemented, evidence of a continuation of existing patterns of fraud, continued efforts by universities and colleges to circumvent the intent of these measures, or, retaliation against whistleblowers, should garner severe penalties.*

A related e-mail to the Senate Finance Committee's chief tax counsels is appended. For those interested in a more in-depth discussion, see Colombo[10] and the Congressional Budget Office paper.[11]

Regrettably, the CBO paper focused on the financial implications that various tax changes might have on collegiate athletics without questioning the justification for its present tax-exempt status. The primary issue in college sports stems not from the exorbitant financial spending of college athletic departments, but rather from the fact that commercialization and professionalization have corrupted the original intent of college athletics and compromised the integrity of our institutions of higher learning.

In the event Congress prefers to avoid dealing with the NCAA cartel's considerable lobbying forces that would again be launched to protect its financial interests from an Unrelated-Business-Income-Tax (UBIT)-based challenge, it could simply employ an excise tax on gross revenues. In fact, University of Chicago Professor Allen Sanderson says consideration should be given to imposing a "sin tax" tax on gross revenues stemming from college football and basketball programs.[12] In an Oct. 9, 2011, comment on Sanderson's article, I said:

*Since collegiate football and basketball conferences are serving as uncompensated minor leagues for the NFL and NBA, serious consideration should also be given to the imposition of steep taxes on all NFL and NBA advertising, television broadcasts, logo merchandise sales, and gate receipts.*

Absent this taxation-based action to curb the unrelenting growth of the college-sports entertainment industry, it will be left to the antitrust lawsuits against the NCAA driven by Sonny Vaccaro to bring about significant corrective action in collegiate athletics that have been tainted by immense oceans of tax-free money.

## **POSTSCRIPT (12-15-12)**

This commentary was prompted by the fiscal-cliff discussions in Washington. It is the latest of numerous commentaries and e-mails concerning college sports that have been sent to government officials beginning in 2004. Two examples of what has been a Sisyphean-like effort to engage these officials in corrective action are the open letters sent to the president and members of his administration. [13]

Most likely, resolution of America's debt problem will require significant revenue via reform of the federal tax code. Untaxed college sports related revenues could then be on the table in what would certainly be an already politically contentious process. However, experience indicates that politicians not only don't want to pick the low hanging fruit represented by these untaxed revenues, but have avoided serious consideration of this revenue source as well---fearing the fruit is a political-poison apple.

The fiscal-cliff discussions are instructive in that the talks illuminate a fundamental flaw in the democratic legislative process: Elected officials are politicians, who almost always take the path of least resistance, rather than statesmen and stateswomen, who would be primarily concerned with the long-term health of America in today's global economy. It is of interest to note the counterbalance exercised by the judicial branch of the government. The judges hearing the antitrust cases against the NCAA are appointed not elected, offering a much greater probability of favorable outcomes in the sense that the outcomes could impede the presently unrestricted growth of the professionalized college-sports entertainment industry that is fueled by untaxed revenues.

The unmistakable truth is that the taxation of college-sports revenues has a trivial constituency relative to the NCAA cartel and the college conferences that are supported by allies in the media and in the government where politicians of every stripe provide salient examples of pandering to athletes and to their sports-addicted constituents.

So it would seem that with the exception of the Vaccaro-driven antitrust lawsuits,[14] reform-minded individuals and organizations are relegated to nibbling around the edges of a formidably-defended business enterprise that has helped set America's colleges and universities academically adrift in a sea of sports while politicians look the other way.

Additional insights into the taxation issues discussed in the commentary follow:

o Dr. Richard Vedder, Distinguished Professor of Economics at Ohio University in Athens, Ohio, has made a strong pitch to apply the Ohio sales tax to sporting revenues in that state as part of a broader based tax reform in Ohio, thinking it will be at least on the table for serious discussion next year. This initiative will likely be killed when the sports lobby goes to work.

o Although Senator Chuck Grassley ordered the CBO study, there have been scant follow-up communications by his SFC staff. Dean Zerbe, Grassley's chief tax counsel, and the real champion behind the requested study, was the main contact for The Drake Group (TDG)—circa 2005 through the time he resigned his position in 2008. Over this time period TDG also worked with staffers for Congressman Bill Thomas, the then chair of the House Ways & Means Committee, who, in 2006, sent a sharply worded letter, concerning its tax-exempt status, to Myles Brand, the then NCAA president.

At the outset, it was thought that TDG would be pleased with the study the SFC was initiating at the CBO. Indeed, it was not pleased as evidenced by its comment on the May 2009 CBO paper in its the May 27, 2009, Open Letter to the President and His Administration.[13] The “Regrettably” comment with reference to the CBO in the foregoing text was taken from this letter. The weak nature of the CBO paper was most likely a direct consequence of Zerbe's departure from his SFC position.

o To the best of my knowledge, there currently is no member of Congress who is willing and able to give serious consideration to taxing college sports-related revenues. Who would want to eat what they believe is a political-poison apple?

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APPENDIX -- December 4, 2012, E-mail to Senate Finance Committee Chief Tax *Counsels*, Subject: How about taxing college sports related revenues?

M r. Jim Lyons, Chief Majority Tax Counsel  
Mr. Mark Prater, Chief Minority Tax Counsel  
Senate Finance Committee

Dear Messrs. Lyons and Prater:

FYI and reference purposes, please find appended a comment posted on the Wall Street Journal's Dec. 1-2, headline story, "GOP Takes Aim at Entitlements,"  
<[http://online.wsj.com/article/SB10001424127887323751104578151322684021276.html?mod=rss\\_economy](http://online.wsj.com/article/SB10001424127887323751104578151322684021276.html?mod=rss_economy)>.

By way of background, I worked with Senator Grassley's and Congressman Thomas' staff members on the apparently unwarranted basis for the NCAA's tax-exempt status.

A similar letter (also appended) will soon be published in the Chicago area's Daily Herald. Both pieces have been called to the attention of my Congresswoman Jan Schakowsky.

Best,

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University

P. S. -- For additional background, see "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics." Montana Professor, Spring 2007, <http://mtprof.msun.edu/Spr2007/splitt.html>.

Also see "Comments by The Drake Group on the Draft of a Redesigned IRS Form 990," September 12, 2007, [http://thedrakegroup.org/Splitt\\_TDG\\_IRS\\_Commentary\\_091207.pdf](http://thedrakegroup.org/Splitt_TDG_IRS_Commentary_091207.pdf). These comments were prepared at the behest of Dean Zerbe, the Chief Republican Tax Counsel for the SFC when it was chaired by Senator Chuck Grassley. He resigned in 2007, shortly after the Republicans lost control of Senate committees after the 2006 elections, Theresa Pattara served as his replacement.

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**APPENDIX**

Frank Splitt Wrote on December 1, 2012

**Tax a Stealth Entitlement!**

Senate Minority Leader Mitch McConnell said his ideas for saving money on entitlement programs were examples of the structural changes sought by Republicans."

Two recent TV news segments provided deep insights into the profligate spending and immense revenue streams associated with college sports: "College Teams Play Game of Musical Chairs Switching Conferences for TV Contracts," (Nov. 29, PBS Newshour)[1] and "Has college football become a campus commodity?" (Nov.18, CBS 60 Minutes). [2]

One would hope that these news reports would prompt Mr. McConnell and his congressional colleagues to examine what amounts to a stealth entitlement involving federal tax policies that allow many billions of dollars to go tax free. These are college sports related revenues derived from multibillion-dollar television contracts, merchandise sales, and profits from the sale of images of former athletes, as well as from donor contributions that also provide a tax-exemption for the donor.

This examination would be a long-overdue follow up on the early efforts of Senator Chuck Grassley, past chair of the Senate Finance Committee, and former Congressman Bill Thomas who, when chair of the House Committee on Ways & Means, questioned the justification for the NCAA's tax-exempt status.

Sad to say, the tax-free revenues help drive academic corruption and the related loss of academic integrity at schools sponsoring professionalized college sports entertainment businesses....schools that tend to go academically adrift in a sea of sports.

Sadder still is the fact that it will require great political courage to put this initiative on the table.

#### **Web Links**

1. [http://www.pbs.org/newshour/bb/sports/july-dec12/sports\\_11-29.html](http://www.pbs.org/newshour/bb/sports/july-dec12/sports_11-29.html)
2. [http://www.cbsnews.com/8301-18560\\_162-57551556/has-college-football-become-a-campus-commodity/](http://www.cbsnews.com/8301-18560_162-57551556/has-college-football-become-a-campus-commodity/)

#### **How about taxing college sports related revenues?**

The Dec.3, front-page story, "Fiscal cliff talks stuck on tax hikes," tells how White House and Republican leaders are struggling to avoid a year-end economy-rattling combination of expiring tax cuts and major across-the board spending reductions.

One would hope tax-code and fiscal-crisis-focused government officials would take heed of two recent TV news segments that provided deep insights into the immense revenue streams and profligate spending associated with college sports: "College Teams Play Game of Musical Chairs Switching Conferences for TV Contracts," (Nov. 29, PBS Newshour) and "Has college football become a campus commodity?" (Nov.18, CBS 60 Minutes).

These reports should prompt an immediate revision of federal tax policies that allow many billions of dollars of college sports related revenues to go untaxed. These revenues come from multibillion-dollar television contracts, merchandise sales, and profits from the sale of images of former athletes, as well as from donor contributions ....contributions that also provide tax deductions for the donors.

Sad to say, the tax-free revenues help drive academic corruption and the related loss of academic integrity at schools sponsoring professionalized college sports entertainment businesses....schools that tend to go academically adrift in a sea of sports.

Sadder still is the fact that it will require great political courage to put this initiative on the table.

Frank G. Splitt  
Mount Prospect, IL

*If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged staggering from one crisis to another.*

—Aurelio Peccei and Alexander King, 1977

***FutureVectors, Inc.***  
**Mount Prospect, IL**



## **PART 13: 2013**

### **ESSAYS & COMMENTARIES: 2013**

1. College Sports Reform: The Likely End Game
2. A Developing Tragedy in Higher Education
3. *Reign of Error*. A must read for those concerned about the education of America's future citizens



# College Sports Reform: The Likely End Game

a Clips Guest Commentary

By Frank G. Splitt, 01-28-13, Updated 03-22-13

*Our guest author believes the beginning of the end game for serious collegiate athletics reform will stem from the antitrust lawsuits against the NCAA driven by Sonny Vaccaro.*

**BACKGROUND** – This is an expanded version of prefatory remarks for the publication of a printed collection of four commentaries.[1-5] This collection of commentaries was considered revealing in the sense that it would likely lead open-minded readers to ask: How can college-conference officials and those at the NCAA and its member colleges and universities continue to get away with their ‘big lie’?

Simply stated, the big lie is that, for the most part, college athletes at big-time schools are counterfeit amateurs—passed off as legitimate students.[6] The objective is to create the illusion that NCAA and conference operations fit the academic mission of the participating schools. These athletes generate billions of dollars for said untaxed business operations—a tax scam involving the exploitation of so-called student athletes.

**UNTAXED BUSINESSES** – Despite the presently unrestricted growth of the professionalized college-sports entertainment industry that is fueled by massive amounts of untaxed income, there currently is no one in Washington who is willing and able to take on this industry. That is to say, there is no one willing and able to give serious consideration to conditioning the tax-exempt status of colleges and universities sponsoring big-time football and men’s basketball programs on the programs’ compliance with the federal requirements for this status. Without this compliance, the tax break amounts to a stealth entitlement.

The Drake Group has engaged in a nine-year, Sisyphean-like struggle in attempts to engage government officials on the tax-exempt status of the NCAA cartel with the aim of catalyzing corrective action not only to help restrain this growth, but also to help resolve related issues. This struggle has involved multiple communications and appeals to both the House and Senate sides of the U. S. Congress, the U. S. Department of Education, as well as two unanswered open letters to President Obama.[7]

The very latest effort involved the promulgation of "Collegiate Athletics Reform: On taxing college sports related revenues," the last in the above-mentioned set of commentaries. It begins with references to two front-page stories in the *Marketplace*-section of the December 10, 2012 issue of the *Wall Street Journal* and then goes on to include a postscript based on remarks made in e-mails covering the transmission of the pre-postscript commentary to the Chief Tax Counsels for the Senate Finance Committee, and to my congressional representative. [5]

Apparently, the tax-free moneymaking and blatant hypocrisy in the college-sports entertainment industry will continue to go unchallenged by elected politicians. Public sentiment is certainly not in favor of reform that would change the status quo.

**PUBLIC SENTIMENT** – Abraham Lincoln had something to say about this kind of circumstance. “In this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed, said Lincoln in 1858 when describing why Stephen Douglas was so important to the alleged pro-slavery conspiracy, going on to say, “Consequently he who moulds public sentiment, goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed.”[8]

Lincoln’s remarks are of significant interest when considered in the light of the shame of college sports. Taylor Branch likens how college athletes are treated to the way plantation owners treated slaves.[9] In this case the “public” is the American tax-paying public.. The role of “Stephen Douglas,” the defender of chattel slavery, is played by officials at the NCAA and its member institutions as well as at the various college conferences. The profound wisdom of Lincoln’s remarks is reflected in the compelling story told in "The Abolitionists," a recent PBS program centered on the struggle to abolish slavery in America.[10]

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*Published by FutureVectors, Inc. for distribution at the April 17-19, 2013, College Sport Research Institute Conference on College Sport, The University of North Carolina at Chapel Hill, to be held at the William & Ida Friday Center for Continuing Education.*

The program provides a stark reminder that the great reform movements in American history took vast amounts of time-consuming effort, not only requiring strong public sentiment and decades to mature, but also requiring countermeasures to strong, sometimes violent opposition along the way....opposition from those with vested interests in maintaining the status quo. Furthermore, this and other domestic reform movements also provide reminders that presidents and politicians are often among the last to support the reform effort, if not at times leaders of the opposition.

**ELECTED OFFICIALS AVOID THE ISSUES** – By casting a blind eye toward ever mounting evidence of cheating, academic corruption, and other collateral damage, government officials as well as school and conference officials choose to let sleeping dogs lie. In so doing they avoid the risk of losing contributions or getting turned out of office by boosters or sports fans who are addicted to being entertained by college teams that play at professional levels.

No matter how unjustified, elected officials and their appointees seem to consider the nonprofit status of the NCAA cartel and college football and basketball conferences to be a "3rd-rail" entitlement program—a program with dire long-term consequences ... consequences that appear beyond the collective ken of these officials who currently comprise our nation's polarized, dysfunctional government that will likely be locked in bitterly divisive politics over taxing and spending for the foreseeable future. No elected government official seems to be worried about the negative impact of this stealth entitlement as well as other pressing issues related to college sports.

A good example comes from the Penn State sex-abuse scandal.[3] No matter how horrific, this scandal did not motivate President Obama to risk political capital to speak out as he did after the Sandy Hook school killings and say that he would "use whatever the power this office holds to engage my fellow citizens" to halt the exploitation of college athletes and the hijacking of America's education system by the college-sports-entertainment industry.

Lee Hamilton, a member of the U.S. House of Representatives for 34 years and now the director of the University of Indiana's Center on Congress, said: "watching Congress now is painful. Congress has shown a dispiriting unwillingness to reckon with tax reform, rein in the deficit, find ways to spur economic growth, or make any of the other tough decisions that face it." [11]

**THE UPSHOT** – It should come as no surprise that with but few exceptions, the outcomes of the Drake Group's efforts to engage government officials have proved to be unsuccessful—most disappointing and frustrating to say the very least. Expect elected officials to continue to muddle along—avoiding any and all attempts to restrain the college-sports entertainment industry no matter what the collateral damage.

All the while, America's colleges and universities that sponsor big-time football and men's basketball programs continue on their march of folly: defiling academic integrity via rampant cheating, warping academic missions, fleecing American taxpayers who help pay multimillion-dollar salaries for coaches and many millions of dollars more for stadiums, arenas, and jocks-only academic eligibility centers— not to mention harboring violent athletes, providing weak testing and inconsistent punishment for schools that cheat and for athletes that use performance-enhancing drugs, as well as sponsoring games where players can suffer blown knees, paralyzing broken necks, and long-term concussive brain damage if not death.

America's colleges and universities are short changing our nation that deserves a world-class system of higher education that values academics well above athletics. Not only are our nation's colleges and universities academically adrift in a sea of sports,[12] but the sea is also filling with a flotsam of administrators. "Since the early years of the 20th century, America has boasted the world's finest universities, but that rosy picture is fading," wrote Benjamin Ginsberg. [13] He went on to say: "The lower quality of American college graduates, the shift of foreign students to Asian and European schools and the slippage in the global rankings of "American universities signal a serious decline – this at a time when higher education is essential for America's economic growth and ultimately for its survival as leading world power." Unfortunately, it is what it is—a sad testament to misplaced priorities in higher education as well as in Washington.

**CONCLUDING REMARKS** – I now have reluctantly come to agree with John Columbo, the Albert E. Jenner, Jr. Professor of Law at the University of Illinois, who has advised: "There are many things tax policy can accomplish. This isn't one of them." Why? Because elected officials fear retaliation by voters and vested interests so won't even challenge the justification for the college-sports "entitlement" of tax-breaks. Consequently, loop-hole-free taxation of college-sports revenues won't be given a chance to prove its effectiveness.[14]

With all of the above in mind, I see a long and likely-lonely journey ahead for college sports reform, that is, unless and until there is a radical change in public sentiment. This would be an unlikely event—tantamount to a change in the American public's sports loving culture—manifested in a fixation on sports-entertainment.

It is my view that the beginning of the end game for serious collegiate athletics reform will stem from the antitrust lawsuits against the NCAA driven by Sonny Vaccaro.[15-18] The commentary "The Tainted Glory of College Sports,"[4] and the postscript in "On taxing college sports related revenues,"[5] tell why this is so.

Finally, I believe the lawsuits will break ground that will help facilitate The Drake Group's mission as well as the missions of other reform-minded organizations such as the American Council of Trustees and Alumni (ACTA), the National College Players Association (NCPA), and the National Coalition Against Violent Athletes (NCAVA). Nonetheless, public sentiment being what it is, efforts directed toward serious reform to clean up the mess in college sports will still be extremely difficult if not impossible to implement.

*A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy.— Usually attributed to the 18th-century Scottish historian Alexander Tytler*

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As I wrote above, this entry should be above Emmert. Come June, it might also need to be moved above Delany and Slive. By himself, O'Bannon, the former UCLA forward who has spent the past few years working at a Las Vegas Toyota dealership, isn't that powerful. But as the named party in a lawsuit that could change the way the business of college sports operates, the mere mention of O'Bannon's name makes administrators around the country quake. Either because they don't want to divulge their legal strategy or because they don't actually have one, the NCAA's leaders have dodged athletic directors' questions about what might happen as a result of Ed O'Bannon v. the NCAA.

When federal judge Claudia Wilken ruled in January that the O'Bannon plaintiffs could proceed with the class certification process, the panic level among the people who actually run college sports on a daily basis -- the athletic directors and commissioners -- rose to DEFCON 2. The plaintiffs have altered their legal strategy so that this case isn't just about the use of former athletes' likenesses in video games and DVDs. Now, it's about whether the NCAA and its schools have the right to market the likenesses of former and current athletes for big money. If the class is certified in June, the NCAA would be fighting for its life in an antitrust trial that, if won by the plaintiffs, could bankrupt the NCAA. The other option is to settle, but that would also require a paradigm shift. To get the plaintiffs to drop the suit, the NCAA would have to allow athletes to get a chunk of the massive television money now flowing into college sports. That probably would require the big-money conferences -- at the moment, the ACC, Big 12, Big Ten, Pac-12 and SEC -- to at least form their own division within the NCAA and could force them to break away and form their own organization. Even at the top of the food chain, schools would have to change the way they budget. Instead of building a new weight room, a school might need to hold back on capital improvements to meet payroll. Such a settlement would get messy, but it would finally stick a knife in the NCAA's sham notion of amateurism in major college sports.

# A Developing American Tragedy in Higher Education

a CLIPS Guest Commentary

By Frank G. Splitt, 04-16-13, Updated with Afterword 04-23-13

Our guest author believes that America's deteriorating higher education system is a consequence of a dysfunctional government and a lack of strong leadership.

*All your strength is in your union. All your danger is in discord.*  
— Henry Wadsworth Longfellow, *Song of Hiawatha*, 1855

**INTRODUCTION** – This commentary is based on material that was recently sent to Anne Neal, President of the American Council of Trustees and Alumni (ACTA) – an organization committed to academic freedom, excellence and accountability at America's colleges and universities. My hope was that ACTA members would formulate a response as to what best might be done about the tragic situation described herein – the deterioration of America's system of higher education. My further hope is that reform-minded organizations can work together to help stem the tide of the debilitating forces that can potentially reduce America to a second-rate world power.

**THE SPORTS FACTOR** – Over the years, it has been a given that higher education in America is the envy of the world. However, Murray Sperber's 2000 book, *Beer and Circus: How Big-Time College Sports Is Crippling Undergraduate Education* provided deep insights into the debilitating impact of big-time collegiate athletics programs on the overall quality of education at the colleges and universities sponsoring such programs.<sup>1</sup>

*It is hard to read Sperber's book without having a sinking feeling about the future of American culture. He has managed to document one facet of our national decline in painstaking detail, and the result is an admirable, timely and profoundly disturbing work. — The New York Times Book Review*

For further insights see "Academically Adrift in a Sea of Sports and Mediocrity"<sup>2</sup> and "College Sports Reform: The Likely End Game."<sup>3</sup> Rick Telander, the lead sportswriter at the *Chicago Sun-Times* provides additional perspectives on the corruptive influence of money and the NCAA in Appendix 1, "A moral compass that's right on the money."<sup>4</sup>

**OTHER CONTRIBUTING FACTORS** – The sweep of this commentary encompasses other factors besides the near obsession of higher education officials with their college sports entertainment businesses. These factors contribute to what might be termed a national scandal. Some of these factors are illuminated in Fareed Zakaria's *Time* magazine story, "The Thin-Envelope Crisis," in Appendix 2 and by Warren Kozak's *Wall Street Journal* story, "Call Them Tiger Students, And Get to Work" in Appendix 3.

This is not a new story as can be seen from the following excerpts that focus on a significant effort of some eight years ago to raise awareness, if not dire warnings, about the decline of higher education in America:<sup>5</sup>

Murray Sperber, Frank Deford, Gene Maeroff, James Fallows, Jay Mathews, Vartan Gregorian, Carol G. Schneider, and others, contributed to a book, *Declining by Degrees: Higher Education at Risk*, edited by Richard Hersh and John Merrow that aimed to provide a look at the declining state of higher education in 2005. A related PBS documentary aired in 2005. The avowed purpose of the book and documentary was to sound an alert and encourage a national conversation about higher education: "No longer can our colleges and universities be allowed to drift in a sea of mediocrity." The synopsis of the program began by saying, "At a time when a college education is vital to an individual's future and our nation's economic standing in the world, *Declining by Degrees: Higher Education at Risk* explores the simple yet significant question: What happens between admission and graduation? The answer: often not enough."

The PBS documentary is both revealing and depressing. It debunks commonly held notions about the so-called rite of passage known as the college experience as it not only exposes the disorientation and disappointment many students feel, but the mutual-survival "non-aggression pact" that exists between many faculty and students—we won't ask much of you so long as you won't ask much of us. One is left to question the quality and readiness of America's future workforce.

There follows several observations that were made in a 2005 commentary:<sup>6</sup>

o In China, which educates approximately one-half of the world's engineers, engineering education is valued as a preparation for contributions in government, policy, innovation, intellectual property, broad engineering disciplines, and

manufacturing. The study of science, technology, engineering, and mathematics (STEMs) is considered to be a patriotic duty -- providing a robust pipeline of human resources for R&D.

o This situation is in sharp contrast to the U.S., where, for all intents and purposes, government at all levels stands idle while many of its most prestigious schools prostitute themselves in a mostly futile quest for fame and fortune via their sports entertainment businesses. In December 2009, Darren Everson, Hannah Karp, and Mark Yost each published a college sports story in *The Wall Street Journal* that, taken together, offer chilling evidence that America's colleges and universities are helping to lead the way as the country slithers toward second-rate nationhood.

o America's love affair with big-time college-sports entertainment in combination with excessive cynicism, apathy (if not purposeful ignorance), and gambling, has been a recipe for growing commercialization at America's institutions of higher learning.

o Excessive commercialization has brought academic corruption, financial shenanigans, increasing expenditures on athletics, and money-focused presidents who view sports programs as an economic necessity and undergraduate education as an expensive nuisance.

o Worse yet, greed, fanatic sports fans, an apathetic public and inconsistent government policies allow the commercially driven college-sports enterprise to grow unchecked, all but guaranteeing distracted, booster-beholden university administrators and an expanding set of fun-loving consumers for their entertainment business ... a business that has hijacked the academic mission of many universities.

o If all of this is coupled with the rising costs of residential higher education (without corresponding improvements in academics) and improved technology-driven competitive education delivery systems, we are led to the conclusion that America's higher education enterprise is rapidly becoming untenable – unable to survive, just as predicted by Peter Drucker back in 1997.

The above is by no means all that can be said on the subject. So much more has been written to cast light on the deterioration of higher education in America....deterioration that is developing well beyond a national scandal into an American tragedy.

*As it is the commendation of a good huntsman to find game in the wild wood, so it is no imputation if he had not caught all.... We can easily forgive a child who is afraid of the dark; the real tragedy of life is when men are afraid of the light.*  
— Plato, 428 – 348 BC, founder of the Academy in Athens, the first institution of higher learning in the Western world.

**WHAT'S THE POINT?** – In a nutshell, here's the point via an example that begins in the mid-1940s at a time when the might of nations was measured by steel production, and America was the mightiest of them all. Forty years later, steel industry statistics portrayed an image of national debilitation. According to John Strohmeier, more than 250,000 jobs were lost forever, more than 30 million tons of capacity were wiped out as aging facilities were shut down, and one-fourth of the domestic market captured by aggressive foreign nations with newer plants and lower wage rates.<sup>7</sup> In the future, the might of nations will be measured not only by the quality of the education and readiness of its workforce, but also by the quality of its leadership and governance. By these measures, America is slipping from its world-leadership position. Worse yet, the situation is not bound to improve in the near term because of a serious pipeline problem—America's entertainment-saturated K-12 students rank scandalously low on academic tests compared to their international peers—an inconvenient truth avoided by Washington politicians.

**A MODEL FOR LEADERSHIP AND GOVERNANCE** – Let me now call attention to Lee Kuan Yew, the first Prime Minister of the Republic of Singapore who governed from 1959 to 1990. Mr. Lee is not only widely recognized as the founding father of modern Singapore, but also responsible for the transformation of a relatively underdeveloped colonial outpost with no natural resources into a "First World" Asian Tiger. He was the focus of the recent book titled *Lee Kuan Yew*<sup>8</sup> and many complimentary reviews.<sup>9, 10</sup>

The book focuses on the future and the specific challenges that the U.S. will face during the next quarter century. Readers that are fairly well acquainted with U.S. socio-economic politics should not be surprised to find that Lee believes that although the U.S. is not yet a "second rate power,"...the inability of its political leaders to make unpopular decisions does not bode well for its future. "...the American voter has shown a disinclination to listen to their political leaders when they debate the hard issues ...neither the Republican nor the Democratic Party has focused on the urgent need to cut down deficit spending, especially on welfare, to increase savings and investments, or, most crucial of all, to improve America's school system to produce workers who are able to compete internationally," says Lee.



**AMERICA'S DILEMMA** – Unfortunately, America does not have a political system that is amenable to stemming what currently appears to be an irreversible decline in the academic quality of its public colleges and universities. Nor does America have leadership of the caliber of a Lee Kuan Yew who held excellence in higher education as one of his highest priorities when driving the rise of Singapore. What to do?

*It is ironic that the government's subsidy of college sports via favorable tax policies is helping to fuel the destruction of what has been one of our nation's most precious resources.<sup>6</sup>*

**A PATH FORWARD** – In light of the epigraph from the *Song of Hiawatha*, perhaps the information contained in this commentary could be used to stimulate reason-based discussions on what can be done about America's dilemma...discussions that can be amplified by the media. The discussions could be initiated by the leaders of the American Council of Trustees and Alumni, The Drake Group (TDG), the College Sports Research Institute (CSRI), the National College Players Association (NCPA), the National Coalition Against Violent Athletes (NCAVA), and other reform-minded organizations at venues such as the annual *CSRI Conference on College Sport*.

I agree with Rick Telander who once said: "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."<sup>11</sup>

**AFTERWORD** (04-23-13) – Subsequent to the posting of the above on *College Athletics Clips*, I became aware of the five noteworthy items that are listed below.

1. "America's level of postsecondary-education attainment—once the highest in the world—is not keeping pace with our global competitors and is not sufficient to meet the work-force demands of the coming decades," says William E. Kirwan.<sup>12</sup> He goes on to say "the nation's future well-being hinges on our ability to respond to what has rightly been called the "college completion imperative"—offering four strategies to enable higher education to make substantial progress toward meeting its obligations to social equity and the economic competitiveness of our nation. He asks, "Do we have the will and resolve to adopt the changes that the times require?"
2. Beverly Tatum, president of Spelman College, and the school's board of trustees, provide an example of getting a school's priorities right.<sup>13</sup> The officials' highly unusual move to disband NCAA Division III-level sports was spurred, in part, by the health problems of young alumni. Money will now be reallocated to establish a wellness program that could take advantage of the college's gym, courts and fields. The move came at a time when few institutions, especially those in Division I, seem to be unable to resist the lure of intercollegiate sports, even as one scandal after another has tarnished the reputations of well-known universities throughout the country.
3. In an open letter to Division I college presidents and governing boards Arne Duncan, secretary of the U.S. Department of Education, and C. Thomas McMillen, secretary of the University System of Maryland's Board of Regents, say there is an extreme imbalance between the athletic and the academic at many colleges and universities with revenue sports in the NCAA's Division I on an unsustainable path—and that college presidents and governing boards need to make changes to better align the athletics programs of their institutions with their academic mission.<sup>14</sup>
4. Matthew Goldstein, chancellor of the City University of New York since 1999, has announced that he will retire in June. During his tenure, he chose to fight a broken status quo and make a difference—providing lessons not only for public colleges and universities but for every K-12 public school in America as well.<sup>15</sup>
5. Outgoing UNC-Chapel Hill chancellor Holden Thorp convened a panel, headed by Association of American Universities president Hunter Rawlings, to study the role of big-time college athletics in the life of UNC -- and elsewhere.<sup>16</sup> Thorp told how big a toll athletics takes in the life of a chancellor -- who is, after all, supposed to run the rest of the university as well -- and how he thinks more responsibility needs to be shifted back to the athletic department. "A sports crisis reduces really smart people into people that appear inept and seem inarticulate. Because there's really nowhere to hide....We can't stop playing sports, doing it well and playing to win. But we've got to figure out how to make it more sustainable. These institutions are spending too much effort, capital and psychic capital on solving these problems. These institutions are too important to the country for that to happen." said Thorp.

The foregoing items either reinforce the arguments made in the commentary or contribute lessons and insights applicable to the path forward. Particularly relevant was the question asked by William Kirwan, chancellor of the University System of Maryland as quoted in the first listed item: "Do we have the will and resolve to adopt the changes that the times require?" Though I long to be proven wrong, all indications point to a resounding no for the answer to Kirwan's question. For now, radically dysfunctional government and the bureaucracies at America's colleges and universities grind on as if all is well with higher education.

More telling than words and appeals will be intervention-oriented action as opposed to the history of lack of such action. At present, the only visible ray of hope for serious reform rests in the class-action antitrust lawsuit against the NCAA driven by Sonny Vaccaro.<sup>3, 17, 18</sup>

In my ten years at a seemingly Sisyphean task, I have come to the following sad conclusion: If the courts can't make a significant dent in America's deteriorating higher education system -- to the extent that academics and academic integrity as well merit-based admissions are valued above winning athletics teams and open admissions—then our grandchildren had better start learning Mandarin.

**ACKNOWLEDGEMENTS** – I am much indebted to Peg Mangan for her painstaking editing of my commentaries and to Mike Mangan for many helpful discussions as well as for his gift of John Strohmeier's revelatory book, *Crisis in Bethlehem*.

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## APPENDIX 1: Rick Telander on "A moral compass that's right on the money"

**Emmert can't fix NCAA's sleaze; he's busy feeding it.** Quoted from the April 5, 2013, issue of the *Chicago Sun-Times*

Some day the kettle's going to blow. Some day the intricate Rube Goldberg machine that is the NCAA will spring a leak and no amount of Band-Aids, glue, fingers in holes, rules, sleight of hand, PR, or gibberish will hold the mess together.

Oh, there's tons of money rolling around in our nation's sports coffers. Witness the multi-million dollar salaries given to all but the lamest men's football and basketball coaches. Witness the billion-dollar TV contracts to broadcast college sports, the crazy advertising, the 100,000-seat cathedrals of entertainment where unpaid workers perform for the raging masses.

But that money—which leaps from our fascination with winning—comes at a price. For kicks, let's call it morality. And let's call NCAA president Mark Emmert, in charge of the burgeoning fraudulence, Mr. Immorality. Is that too strong a word? I don't think so.

Emmert is a career college sports administrator who has always been able to leave Dodge just before the sheriff arrives. His standard response to corruption under his watch has been to delay, deny, and hope it dies. And the hubbub usually has died, or been passed on to others who came after him or worked below him. Or else he fired scapegoats, as when he recently fired two high-ranking NCAA officials because of their involvement in the over-zealous pursuit of a corrupt University of Miami football program.

That incident was spurred by Emmert's desire for tough "enforcement" of the crazy rules of amateurism that the NCAA and its member organizations—universities and colleges—have propped up for over a century.

At Montana State, Connecticut, LSU, and finally Washington, Emmert left ethical problems that always involved money or big-time sports or both. According to a damning *USA Today* story on Wednesday, Emmert made head coaches at LSU and Washington the highest paid coaches in the land. At U-Conn he left a \$100-million construction scandal behind. Along the way he was paid more than any president at any public university anywhere. Thursday he was grilled by the media in Atlanta before the upcoming men's Final Four basketball tourney. It wasn't a pretty sight.

But then neither was the way whistle-blowers were treated at LSU after Emmert built up a corrupt national champion team, declaring, "success in LSU football is essential for the success of Louisiana State University." Not its reputation as a place where anybody learns anything, mind you, but as a financial success.

Emmert has said he will "never" pay athletes, because they are "amateurs." And why are they amateurs? "Because I said so."

He also, like everybody in big-time sport, complains about the "arms race" of expenditures. But there is no salary cap for anybody but the athletes, so the era of the \$10 million coach can't be far off. And the TV/ad faucet is gushing more than ever.

The pressure to win at the D-1 level is so great that a maniac coach like Rutgers men's basketball coach Mike Rice can flourish for years. And a once-proud conference like the Big Ten will open its doors for a place like Rutgers. Why? The market. The exposure. The money.

I hope the Big Ten is happy with its 14 teams, including the middling Maryland and Joe Pa-tainted Penn State. And I hope it's happy with NCAA president Emmert, the money man all its member institutions helped elect.

There is cash everywhere on the horizon. It flows and flows. But no moral man has taken the NCAA lead to make fair, ethical, financial decisions for the athletes. For the students.

Emmert? Ha.

## **APPENDIX 2: Fareed Zakaria on "The Thin-Envelope Crisis"**

Quoted from the April 15, 2013, issue of *TIME Magazine*

It's time for the fat and thin envelopes--the month when colleges across the U.S. send out admission and rejection notices to well over a million high school seniors. For all the problems with its elementary and secondary schools, American higher education remains the envy of the world. It has been the nation's greatest path to social and economic mobility, sorting and rewarding talented kids from any and all backgrounds. But there are broad changes taking place at U.S. universities that are moving them away from an emphasis on merit and achievement and toward offering a privileged experience for an already privileged group.

State universities--once the highways of advancement for the middle class--have been utterly transformed under the pressure of rising costs and falling government support. A new book, *Paying for the Party: How College Maintains Inequality*, shows how some state schools have established a "party pathway," admitting more and more rich out-of-state kids who can afford hefty tuition bills but are middling students. These cash cows are given special attention through easy majors, lax grading, social opportunities and luxurious dorms. That's bad for the bright low-income students, who are on what the book's authors, Elizabeth Armstrong and Laura Hamilton, call the mobility pathway. They are neglected and burdened by college debt and fail in significant numbers.

*Higher Standards* – A 2009 study reports that Asian Americans need SAT scores 140 points higher than those of white students to have the same chance at admission to elite private universities.

*Impact On the Field and Off* – Athletes make up 25% to 40% of the student body at Division III colleges and 20% to 30% of undergrads at Ivy League universities.

The country's best colleges and universities do admit lower-income students. But the competition has become so intense and the percentage admitted so small that the whole process seems arbitrary. When you throw in special preferences for various categories--legacies, underrepresented minorities and athletes--it also looks less merit-based than it pretends to be. In an essay in the *American Conservative*, Ron Unz uses a mountain of data to charge that America's top colleges and universities have over the past two decades maintained a quota--an upper limit--of about 16.5% for Asian Americans, despite their exploding applicant numbers and high achievements.

Some of Unz's data is bad. His numbers do not account for the many Asian mixed-race students and others who refuse to divulge their race (largely from fears that they will be rejected because of a quota). Two Ivy League admissions officers estimated to me that Asian Americans probably make up more than 20% of their entering classes. Even so, institutions that are highly selective but rely on more objective measures for admission have found that their Asian-American populations have risen much more sharply over the past two decades. Caltech and the University of

California, Berkeley, are now about 40% Asian. New York City's Stuyvesant High School admits about 1,000 students out of the 30,000 who take a math and reading test (and thus is twice as selective as Harvard). It is now 72% Asian American. The U.S. math and science olympiad winners are more than 70% Asian American. In this context, for the U.S.'s top colleges and universities to be at 20% is, at the least, worth some reflection.

Test scores are only one measure of a student's achievement, and other qualities must be taken into account. But it's worth keeping in mind that the arguments for such subjective criteria are precisely those that were made in the 1930s to justify quotas for Jews. In fact, in his book *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale and Princeton*, scholar Jerome Karabel exhaustively documented how nonobjective admissions criteria such as interviews and extracurriculars were put in place by Ivy League schools in large measure to keep Jewish admissions from rising.

Then there's the single largest deviation from merit in America's best colleges: their recruited-athletes programs. The problem has gotten dramatically worse in the past 20 years. Colleges now have to drop their standards much lower to build sports teams. These students, in turn, perform terribly in classrooms. A senior admissions officer at an Ivy League school told me, "I have to turn down hundreds of highly qualified applicants, including many truly talented amateur athletes, because we must take so many recruited athletes who are narrowly focused and less accomplished otherwise. They are gladiators, really." William Bowen, a former president of Princeton University, has documented the damage this system does to American higher education--and yet no college president has the courage to change it.

The most troubling trend in America in recent years has been the decline in economic mobility. The institutions that have been the best at opening access in the U.S. have been its colleges and universities. If they are not working to reward merit, America will lose the dynamism that has long made it so distinctive.

### **APPENDIX 3: Warren Kozak on "Call Them Tiger Students. And Get to Work."**

#### ***One reason why Asians dominate New York's top public high schools: high parental expectations.***

Quoted from the April 5, 2013, issue of *The Wall Street Journal*. Mr. Kozak is the author of *Presidential Courage: Three Speeches That Changed America*, an eBook published last year.

This is the season when college notifications go out, and a simple "yes" is seen as a ticket to success. Applicants, though, can never be quite sure why they were accepted or rejected -- subjective criteria, in addition to test scores, are used in the evaluations.

For many New York City teenagers, a similar academic turning point comes even earlier in life, but with one big difference: The judgment is purely objective, based solely on the numbers.

Welcome to one of America's last meritocracies: New York's specialized high schools, led by Stuyvesant, Bronx Science and Brooklyn Tech. These schools are nationally ranked, their alumni include Nobel laureates, and they are feeders to the nation's top colleges. The admissions test comes in two parts verbal and math and takes two-and-a-half hours. Roughly 28,000 eighth-graders took the test in the fall. As always, those with the highest scores earned the coveted slots.

Here is the ethnic breakdown of acceptances for next fall's Stuyvesant freshman class: 9 black students, 24 Latinos, 177 whites and 620 Asian-Americans. Although the numbers were slightly different at the other two high schools, the ethnic mix is roughly the same.

At a time when the affirmative-action debate has been rekindled in the Supreme Court, when the president calls for free preschool for all low- and moderate-income children, and when the debates over education reform reverberate across the country, the numbers 9-24-177-620 amount to a Rorschach test for an already polarized society.

For some, the specialized-high-school test itself is clearly racist. Repeated demands have been made to change the entrance requirements. The NAACP Legal Defense and Education Fund filed a complaint with the Department of Education in September of 2012, calling the test a violation of the Civil Rights Act of 1964.

The Stuyvesant story speaks to a larger matter: the national disparity in educational advancement according to race and ethnicity. Reading and vocabulary skills are cumulative, meaning that verbal skills are not based on what an eighth-grader can cram into his head in a few weeks before a test. They come from everything read and heard since infancy.

Perhaps in response to such challenges and the fact that some parents enroll their children in private prep courses hoping to improve scores, the New York Board of Education offers free summer test-prep programs for disadvantaged students. Not enough black and Hispanic students have taken advantage of the extra help.

Yet some Asian children with high scores come from immigrant homes where English isn't the first language. This raises the question of the importance of culture and the strong emphasis on hard work and higher parental expectations at home that make it possible to thrive academically.

Several years ago, Angela Duckworth, a psychology professor at the University of Pennsylvania, studied the teens who were National Spelling Bee finalists. She wanted to find out what they did to get there.

Many people might assume that the spelling whizzes have a genetic advantage, but Ms. Duckworth found a more important trait: tenacity. The finalists are willing to forgo the immediate gratification of watching TV or texting friends so they can spend hours and do the tedious and merciless grunt work. They write out thousands of flashcards with words and definitions and memorize them.

It is an unusual child who can do this while being constantly bombarded by popular culture's seductive images. But it also takes strong parents willing to guide the child and demand hours of difficult work.

The recent national fascination with Dr. Benjamin Carson is timely. He grew up in an impoverished section of Detroit and could have headed into the dead-end life that awaited many others around him. He had one huge advantage, though. His mother, who had no more than a third-grade education, turned off the TV, demanded that he study and, most of all, accepted absolutely no excuses. Ben Carson went on to become a noted neurosurgeon and author.

It is vital for America's future that those Stuyvesant numbers even out. But that won't happen simply by pouring more money into schools, hiring a thousand new teachers or offering Head Start to every 4-year-old from Maine to California. A better and much less expensive way may be for parents to look at what is going on in Asian-American families, or what went on in Dr. Carson's home, and copy it.

***FutureVectors, Inc.***  
**Mount Prospect, IL**

# ***Reign of Error: A must read for those concerned about the education of America's future citizens***

## ***Clips Book Review***

*Dubbed as a must-read, this book covers reform initiatives aimed at America's K-12 education system that forms the pipeline for its institutions of higher education.*

By Frank G. Splitt, December 7, 2013

**The following** is a Clips review of *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools* by educational historian Diane Ravitch, former U.S. assistant secretary of education and currently research professor of education at New York University.

If you want to know what's really going on with reform initiatives aimed at America's K-12 education system that forms the pipeline for its institutions of higher education, and ultimately for its future workforce, then this book is a must read.

Get the facts about test scores, the so-called achievement gap, The National Assessment of Educational Progress (NAEP), the Program for International Student Assessment (PISA), high school and college graduation rates, as well as learn about the problem with Teach for America (TFA), the work of the American Legislative Exchange Council, (ALEC), how poverty affects academic achievement, and much more--including solutions based on evidence, not slogans, reckless speculation, myths or manufactured crises.

"Reign of Error" extends and deepens the author's discussion of her changed thinking about education reform that began in 2010 with her book *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education*. She sees American public schools still facing the threat of reform aimed at the privatization of America's public school. The book also expands on the work of David C. Berliner and Bruce J. Biddle who defended public education in their 1995 book, *The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools*, wherein they attempted to debunk their self-described myth that test scores in America's schools are falling, that illiteracy is rising, and that better funding has no benefit--refuting the statistics-based studies that have led to notion that U.S. taxpayers should expect more because they pay more.

The back story is that Ravitch was once a reformer. She served as an assistant secretary of education under President George H.W. Bush and later helped develop national learning assessments under President Bill Clinton. She advocated for charter schools -- institutions run by private entities, sometimes for-profit companies that receive public money -- and she promoted using student test scores to measure teacher performance. She backed many of the views now supported by leading reform activists, including Bill and Melinda Gates, the Walton family of Wal-Mart, and News Corps' Rupert Murdoch. That's why her contrarian views and arguments are all the more compelling.

Early in the book she writes: "The reformers are putting the nation's children on a train that is headed for a cliff. If you insist on driving that train right over the cliff, you will never reach your hoped-for destination of excellence for all. Instead, you will inflict harm on millions of children and reduce the quality of their educations. You will squander billions of dollars on failed schemes that should have been spent on realistic, evidence-based ways of improving our public schools, our society, and the lives of children."

The biggest problem with the reformers, Ravitch writes, is that there's largely nothing to reform: High school graduation rates are at an all-time high, and reading scores for fourth-grade white, black, Hispanic and Asian students were significantly higher in 2011 than they were in 1992.

In the chapter titled "Schools Don't Improve if They Are Closed," Ravitch gives an example via President-elect Barack Obama's December 2008, announcement of his choice of former Chicago Public Schools chief Arne Duncan to be secretary of education. The setting of the announcement was the Dodge Renaissance Academy in Chicago's East Garfield Park neighborhood--a significant setting since the elementary school had undergone a transformation during Duncan's stewardship of Chicago's public schools and was serving as one of the centerpieces of Duncan's brand of education reform.

In 2002, Duncan closed the chronically low-performing school, fired the teachers and handed the keys to the building to an outside nonprofit group. Opened again a year later, the school's academic performance saw near-miraculous gains on state standardized tests, despite the fact that more than 90 percent of the students came from low-income families. When presenting Duncan at Dodge, Obama made clear his intention as president to promote reforming America's public schools as part of his education agenda, saying: "He's shut down failing schools and replaced their entire staffs, even when it was unpopular. This school right here, Dodge Renaissance Academy, is a perfect example. Since the school was revamped and reopened in 2003, the number of students meeting state standards has more than tripled."

According to Ravitch, the miraculous turnaround evaporated. By 2013, Chicago school officials closed the Dodge Academy again, along with the other two elementary schools that Duncan closed and "revamped" in 2002. Note: According to its website, the school is still around, although moved to a new Academy for Urban School Leadership (AUSL) facility as one of 29 Chicago Public Schools managed by AUSL.

Today, Ravitch is one of the most outspoken advocates against school reform, including the government's No Child Left Behind (NCLB) and Race to the Top (RTT) reform initiatives. These programs support standards-based education reform-- expanding the federal role in public education. In her book, *The Death and Life of the Great American School System*, Ravitch, said educators are worried that the NCLB mandate that all students meet proficiency standards by 2014 will result in the dismantling of public schools across the nation.

According to Ravitch, reformers seek to tie teacher salaries to student high-stakes (reward-punishment) test scores, recruit young and inexperienced college graduates to teach in struggling schools (Teach for America, TFA), and fund voucher programs to allow students to use public tax dollars to attend private schools. She writes that the "the transfer of public funds to private management and the creation of thousands of deregulated, unsupervised, and unaccountable schools have opened the public coffers to profiteering, fraud, and exploitation by large and small entrepreneurs."

Ravitch believes America's public school system is under attack from corporate interests and Wall Street investment firms seeking to profit off the American taxpayer via "a deliberate effort to replace public education with a privately managed, free-market system of schooling."

Although Ravitch writes with depth and passion born of experience it must be recognized that she's up against formidable adversaries--including Richard Barth, chief executive of the Knowledge is Power Program chain of charter schools, which receive funding from the Walton and Gates foundations, and Barth's wife, TFA founder Wendy Kopp, who is close allies with former D.C. schools chancellor Michelle Rhee, a former TFA teacher to whom Ravitch dedicates an entire chapter titled "The Mystery of Michelle Rhee." Ravitch also links the reformers to the influential American Legislative Exchange Council, (ALEC) which helped write legislation in several states to ease the introduction of new charter schools.

Ravitch proposes no less than 11 solutions to America's education problems, to wit:

1. Provide good prenatal care for every pregnant woman.



2. Make high-quality early childhood education available to all children.
3. Every school should have a full, balanced, and rich curriculum, including the arts, science, history, literature, civics, geography, foreign languages, mathematics, and physical education,
4. Reduce class sizes to improve student achievement and behavior.
5. Ban for-profit charters and charter chains and ensure that charter schools collaborate with public schools to support better education for all children.
6. Provide the medical and social services that poor children need to keep up with their advantaged peers.
7. Eliminate high-stakes standardized testing and rely instead on assessments that allow students to demonstrate what they know and can do.
8. Insist that teachers, principals, and superintendents be professional educators.
9. Public schools should be controlled by elected school boards or by boards in large cities appointed for a set term by more than one elected official.
10. Devise actionable strategies and specific goals to reduce racial segregation and poverty.
11. Recognize that public education is a public responsibility, not a consumer good.

"Are all of these changes expensive?" Ravitch says: "Yes, but not nearly as expensive as the social and economic costs of crime, illness, violence, despair, and wasted human talent." She believes that "an educated parent would not accept a school where many weeks of every school year were preparing for state tests...and would not tolerate a school that cut back or eliminated the arts to spend more time preparing for state tests." She also believes that certain private schools may be models for public schools--pointing to the rich and diverse curricula at among others: Sidwell Friends in Washington, Phillips Academy in Andover, Mass., and the Lakeside School in Seattle.

I found Ravitch unsparing in her myth-busting assault on reformers that take every opportunity to exploit PISA test scores to manufacture a crisis de jour in education, scapegoat public schools while diverting school resources, bash teachers' unions, and effectively deprive teachers of professional dignity. Her arguments are backed by data including 41 charts and an abundance of explanatory notes.

Finally, here are two Ravitch inspired takeaways: 1) No matter how much we improve our public schools, great schools alone cannot solve the deeply rooted systemic problems of our society--the inevitable result of poverty, racial segregation, and underfunding is low academic performance by any measure; and 2) Protecting our public schools against privatization and saving them for future generations of American children is the civil rights issue of our time.

***FutureVectors, Inc.***  
**Mount Prospect, Illinois**

## **PART 14: 2014**

### **ESSAYS & COMMENTARIES: 2014**

1. A Nation Still at Risk: The Tragedy of Failing Reform in K-12 and Higher Ed & Revisiting "A Nation Still at Risk"
2. NLRB Ruling on Northwestern Athletes: A Teaching Moment
3. School Wars 2014: Conflicts over K-12 Education Technology, CCSS, and VAM
4. School Wars and Scandals: A Crisis of Leadership



# **A Nation Still at Risk: Two Related Clips Commentaries**

**A Nation Still at Risk: The Tragedy of Failing Reform  
In K-12 and Higher Education**

*and*

**Revisiting “A Nation Still at Risk”**

**By Dr. Frank G. Splitt**

**Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University  
Evanston, Illinois**

**March 26, 2014**

*Published by FutureVectors, Inc. for distribution at the 7th Annual CSRI Scholarly Conference on College Sport sponsored by the University of South Carolina College Sport Research Institute and to be held April 23-25, 2014 on the campus of the University of South Carolina, Columbia, South Carolina*

*Public education is a basic public responsibility: we must not be persuaded by a false crisis narrative to privatize it. It is time for parents, educators, and other concerned citizens to join together to strengthen our public schools and preserve them for future generations. The future of our democracy depends on it.*

**Diane Ravitch, Education historian and Former Assistant Secretary of Education,**  
[From *Reign of Error*, 2013]

*Intercollegiate athletics, as currently practiced by many universities, compromise admissions standards, weaken the curriculum, and threaten other essential academic values. Neither coaches nor athletic directors, nor presidents, nor trustees can bring about real reform without help. Faculty members have the most at stake in upholding academic values; they represent the best hope of achieving genuine progress in making the kinds of changes required. As a result, I warmly endorse the arguments contained in this brief for involving faculty in a campaign for integrity in college sports.*

**Derek C. Bok, the 300th Anniversary University Professor and former President, Harvard University** [From his comment on “Reclaiming Academic Primacy in Higher Education” (2003), [http://drakegroupblog.files.wordpress.com/2012/12/splitt\\_reclaiming\\_academic\\_primacy.pdf](http://drakegroupblog.files.wordpress.com/2012/12/splitt_reclaiming_academic_primacy.pdf)]

*The only way America will be able to maintain its place as the world’s premier economic power is to fully develop the potential of its people. Meeting this challenge will require an education system in which the primacy of achievement and excellence in all spheres of life is absolutely clear... Funding priorities for extracurricular programs as well as for core academics must be scrutinized, particularly our tendency to fund large sports programs that serve a small number of elite athletes at the expense of broad-based programs in music and the arts. John Gerdy, Author and visiting professor in sports administration at Ohio University [From *Education Week*, June 2009]*

*What has been allowed to become a circus—college sports—threatens to become the means by which the public believes the entire (higher-education) enterprise is a sideshow.*

**A. Bartlett Giamatti, Former president of Yale University and former commissioner of major league baseball**

# A Nation Still At Risk: The Tragedy of Failing Reform In K-12 and Higher Education

## Clips Guest Commentary

*Our guest author makes a case that the failing reform efforts in the K-12 and post-secondary sectors of America's education system are rooted in our nation's sports-entertainment culture and its pervasive and debilitating influence on the system beginning with the K-12 pipeline.*

By Frank G. Splitt, June 6, 2013, Afterword, November 2, 2013

*If the ways of God are inscrutable, the path of man has become incomprehensible. Modern man, despite the wonderful body of knowledge and information he has accumulated and the means to apply it, appears to be muddling ahead as if he were blind or drugged, staggering from one crisis to another.*

—Aurelio Peccei and Alexander King, *The Club of Rome*, 1977

**PREFACE** – A clear, present, and future danger faced by the United States is its failing, if not broken, education system and its failing efforts at reform. It is now thirty years since the publication of the report, "A Nation at Risk," by the National Commission on Excellence in Education that found poor academic performance at nearly every level. The report warned that America's education system was "being eroded by a rising tide of mediocrity." Today, the system is still faced with serious unresolved problems of crisis proportions—amounting to an unannounced national scandal, perhaps a national disaster. In good part, the tragedy of failing reform in the K-12 and post-secondary sectors of America's education system is rooted in our nation's sports-entertainment culture and its out-of-whack priorities that exert a pervasive and debilitating influence on the system beginning with the K-12 pipeline. The priority problem is aptly illustrated in Dave Litton's editorial cartoon shown on the following page. The contents and genesis for *The Back Story: The Lead-up to Essays on Education and Sports Reform* via "An Odyssey of Reform Initiatives: Some Markers along the Way," can be found in APPENDIX 1 while APPENDIX 2, "Thousands of Words on Reform" contains listings of related articles and books. Commentaries on both the K-12 and post-secondary sectors follow. It will be seen that there are a few rays of hope that the enterprise can still be fixed.

**A NATION STILL AT RISK: K-12** – We are now 30 years beyond the 1983 publication of the blue-ribbon panel report "A Nation at Risk," that aimed to alert Americans to weak performance of our nation's education system.-- warning of a *rising tide of mediocrity that threatens our very future as a nation and a people*. The report famously stated: *If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves.*

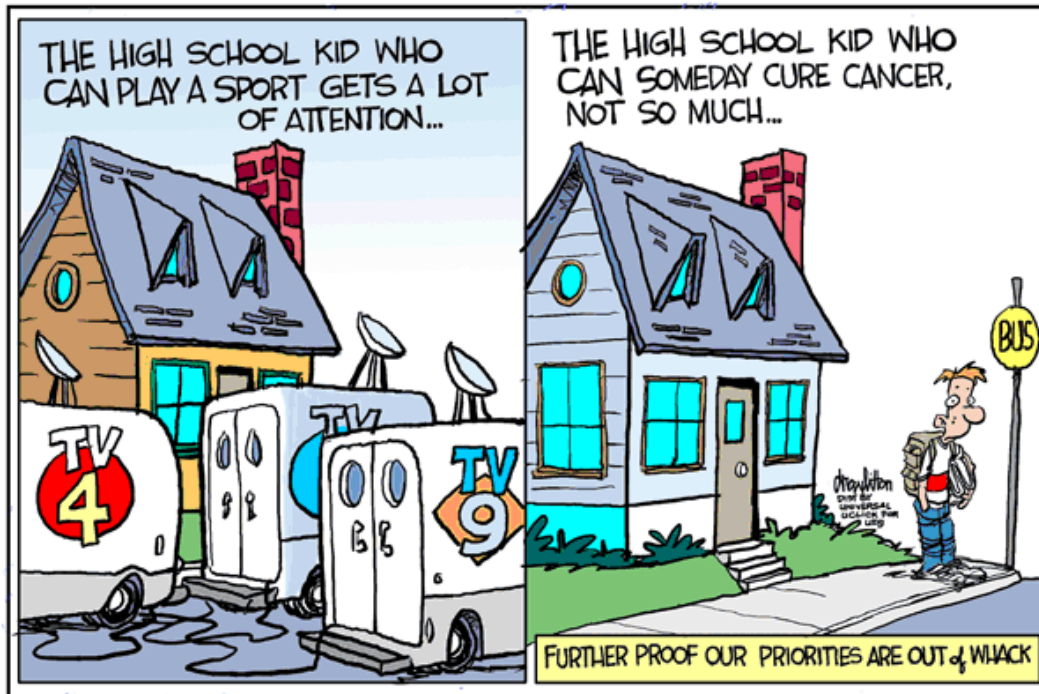
Dianne Ravitch, a former Assistant Secretary of Education and education historian, called "A Nation at Risk" the most important education reform document of the 20th century. Among other things it prompted Denis P. Doyle and the late David T. Kearns, a Deputy Secretary of Education, to write their 1989 book *Winning the Brain Race: A Bold Plan to Make Our Schools Competitive*. The authors proposed a six-point program for reform which included allowing students to choose the schools they wish to attend, opening schools year round, abolishing traditional grading structures, and raising academic standards for graduation. Doyle had this to say about the problem in "Endangered Species: Children of Promise," *Unfortunately, today's schools are well suited to the late 19th and early 20th centuries: they are ill suited to the late 20th century.*

Six years later, David C. Berliner and Bruce J. Biddle defended public education in their 1995 book *The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools*. They attempted to debunk their self-described myth that test scores in America's schools are falling, that illiteracy is rising, and that better funding has no benefit—refuting the statistics-based studies that have led to notion that U.S. taxpayers should expect more because they pay more. The authors offered the following nine broad principles for improving educational efforts: 1) Accord parents more dignity and their children more hope; 2) Make certain that all schools have funds needed to provide students with a decent education; 3) Reduce the size of our largest schools; 4) Enlarge the goals of curricula; 5) Adjust the content of curricula; 6) Rethink and redesign the system for evaluating student achievement; 7) Change the ways in which schools manage heterogeneity; 8) Strengthen ties between schools and related communities; 9) Strengthen the professional status of teachers and other educators. To these they add a rich "bounty of ideas."

Into the breach came the 2001 "No Child Left Behind Act," an Act of Congress that supports standards-based education reform—expanding the federal role in public education through annual testing, annual academic progress, report cards, teacher qualifications, and funding changes. It is based on the premise that setting high standards and establishing measurable goals can improve individual outcomes in education—requiring states to develop assessments in basic skills and to give these assessments to all students at select grade levels in order to receive federal school funding. The Act does not assert a national achievement standard; standards are set by each individual state. In her book, *The Death and Life of the Great American School System*, Ravitch, also a leader in the drive to create a national curriculum, says educators are worried that the Act's mandate that all students meet proficiency standards by 2014 will result in the dismantling of public schools across the nation.

Over the 20 years since 1989, school results were not significantly improved by such measures as test scores or graduation rates, this despite the implementation of the "No Child Left Behind Act," and far more openness to charter schools, vouchers, virtual schools,

home-schooling, as well as schools of parental choice—bringing to mind the warning in “A Nation at Risk” to the effect that the educational outcomes of other countries are on the rise while our outcomes remain essentially flat and that these countries surpass our high-school and college graduation rates. International tests continue to show young Americans scoring in the middle of the pack.



Drew Litton, *Daily Herald*, May 22, 2013, used with permission

Over the 20 years since 1989, school results were not significantly improved by such measures as test scores or graduation rates, this despite the implementation of the “No Child Left Behind Act,” and far more openness to charter schools, vouchers, virtual schools, home-schooling, as well as schools of parental choice—bringing to mind the warning in “A Nation at Risk” to the effect that the educational outcomes of other countries are on the rise while our outcomes remain essentially flat and that these countries surpass our high-school and college graduation rates. International tests continue to show young Americans scoring in the middle of the pack.

On July 24, 2009, “Race to the Top, a \$4.35 billion U.S. Department of Education contest, was announced by President Barack Obama and Education Secretary Arne Duncan. The contest was designed to spur innovation and reforms in state and local district K-12 education. States were awarded points for satisfying certain educational policies, such as performance-based standards (often referred to as an annual professional performance review) for teachers and principals, complying with Common Core standards, lifting caps on charter schools, turning around the lowest-performing schools, and building data systems. Awards were to go to states that are leading the way with ambitious yet achievable plans for implementing coherent, compelling, and comprehensive education reform. The idea was to have award winners help trail-blaze effective reforms and provide examples for educators in other states and local school districts throughout the country to follow in work on reforms that can transform their schools for the future.

The Common Core State Standards aim to provide a consistent, clear understanding of what students are expected to learn, so teachers and parents know what they need to do to help them. The standards are designed to be robust and relevant to the real world, reflecting the knowledge and skills that our young people need for success in college and careers. Framers of the Common Core standards *expect students to know their math facts, to read the nation’s founding documents, and to evaluate evidence and come to independent judgments*, writes Michael Gerson in his May 21, 2013, *Daily Herald* op-ed “Baseless fears about the Common Core.” In all of these ways, students will be far better off than those learning under most current state standards that hardly deserve to be called standards.

The Common Core is neither perfect nor sufficient, but as Gerson went on to say: *The math standards, according to some analysts, are set one or two years behind international levels. But it says something about the American educational system that, by global standards, mediocrity would be a distinct improvement. And higher standards, of course, don’t guarantee better student achievement, which depends on effective curricula, quality teaching, useful assessment and rigorous accountability.*

In their op-ed in the May 28, 2013 *Wall Street Journal*, Pioneer Institute’s Jamie Gass and Charles Chieppo argue that *the federal intrusion in schools brings standards that are academic-lite*—opining: *Stanford University Emeritus Mathematics Professor R. James Milgram—the only academic mathematician on Common Core’s validation committee—refused to sign off on the final draft, describing the standards as having “extremely serious failings” and reflecting “very low expectations.”* My personal take is that the math standards are a cut above the “1997 Illinois Learning Standards” and many cuts above the standards extant back in my K-12 days (1935-1948).



Ravitch makes the case in her aforementioned book that public education today is in peril. She includes clear prescriptions for improving America's schools: 1) Leave decisions about schools to educators, not politicians or businessmen; 2) Devise a truly national curriculum that sets out what children in every grade should be *learning*; 3) Expect charter schools to educate the kids who need help the most, not to compete with public schools; 4) Pay teachers a fair wage for their work, not "merit pay" based on deeply flawed and unreliable test scores; 5) Encourage family involvement in education from an early age. Her words are worth heeding.

As the nation continues to muddle ahead with education reform, it is well for all involved to keep in mind what Albert Einstein once said: *A student is not a container you have to fill but a torch you have to light up.* Whatever progress has been made, it is dwarfed by what still needs to be done to get America's K-12 schools suited to the 21st century. Critical needs are the recruitment, development and retention of inspirational teachers and the provision of sufficient time for teachers and students to not only adjust to the transition to higher standards, but to adequately adapt to other related changes as well. Critical as well is the need to get priorities off of youth sports so schools are not drawn into unwise "sports" business opportunities."

**A NATION STILL AT RISK: HIGHER EDUCATION** – In a commentary titled "Sports in America 2005: Facing up to Global Realities," I wrote: *Greed, fanatic sports fans, an apathetic public and inconsistent government policies allow the commercially driven college-sports enterprise to grow unchecked, all but guaranteeing distracted, booster-beholden university administrators and an expanding set of fun-loving consumers for their entertainment business—a business that has hijacked the academic mission of many universities....America has the most to lose as it confronts new global realities with its STEMs (Science, Technology, Engineering, Mathematics, and Technology) gap and its institutional priority of athletics over academics – all the while handicapped by the public's continued obsession with sports entertainment. America's present-day position does not present a pretty picture*

College presidents are appointed to serve at the pleasure of a school's governing board. And the pleasure of the most vocal and wealthiest of these board members at NCAA Div 1 schools usually involves winning football and basketball teams. If asked, these presidents would not only say they have a good balance between athletics and academics, but will say they don't cheat as well. The balance is uneven—a mixed bag depending on the institution. It's also a function of time and a multitude of other variables some of which are external in nature, for example, reaction to exposure by whistle-blowers. My opinion on balance is grounded in Robert Maynard Hutchins' belief that "they all cheat." To that I would add: some more than others. With that caveat in mind, relatively good balance is achieved at schools like Notre Dame, Duke, Stanford, Northwestern and Boston College, while relatively poor balance is likely to be found at schools like Alabama, Auburn, Connecticut, Louisiana State, Oklahoma, Miami, and North Carolina. However, even the best schools have troubling times.

No doubt, careful analysis would find a strong correlation between high national school rankings with an out-of-balance (athletics-over-academics) school ranking. As College Football Hall of Fame Coach Gil Dobie once quipped, "You can't win games with Phi Beta Kappas." Chan Lowe's related cartoon is almost worth the thousands of words that can be found in APPENDIX 2.



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**WHAT DO WE NEED TO BE THINKING ABOUT?** – If we are going to continue as a dominant player on the world stage in the 21st century might I suggest that we need to get priorities right at our nation's K-12 and higher education institutions? Members of top-ranked BCS football teams and the NCAA's Final-Four basketball teams will not likely be eligible to play in today's global game. America's educational system should be focused on academics not athletics. This means emphasis on learning and research not on

commercialized sports entertainment and health-spa-like facilities. We need to think about our universities and STEMs literacy in a global context. These will be the arsenals and “tools” of modern-day economic warfare.

*Since this country needs brains more than brawn at the moment, proposing football heroes as models for the rising generation can hardly have a beneficial effect on the national future.... To be successful, one must cheat. Everyone is cheating, and I refuse to cheat—Robert Maynard Hutchins, December 1938*

**WHERE IS CONGRESS IN ALL OF THIS?** – In his May 11, 2013, *WSJ* book review of Robert Kaiser’s book *Act of Congress*, Jonathan Martin was quite scathing when he wrote, *Congress is dominated by intellectual lightweights who are chiefly consumed by electioneering and largely irrelevant in a body where a handful of members and many more staff do the actual work of legislating. And the business of the institution rarely gets done because of a pernicious convergence of big money and consuming partisanship.* Here’s more:

o Reform efforts via the Senate Finance Committee (SFC) and the House Committee on Ways and Means (HCW&M) went dead in the water after the 2006 election when SFC Chair Chuck Grassley was replaced by Senator Max Baucus and when HCW&M Chair Congressman Bill Thomas was replaced by Congressman Charlie Rangel.

o To get a flavor of what a reform-minded American citizen has to confront in the Congress, see “Democrats and Max Baucus’ ‘ethics’” by Froma Harrop, *Daily Herald*, May 16, 2013 and “Tip Puts Lobbyist’s Career on Hold,” by Alicia Mundy and Brody Mullins, *WSJ*, May 21, 2013.

o That’s not all. In their May 20, 2013, *HuffPost Blog*, “Enabling Greed Makes U.S. Sick,” Bill Moyers and Michael Winship say: *All too often, instead of acting as a brake on runaway corporate power and greed, government becomes their enabler, undermining the very rules and regulations intended to keep us safe.*

o And then there is Peter Schweizer’s 2011 book *Throw Them All Out: How Politicians and Their Friends Get Rich Off Insider Stock Tips, Land Deals, and Cronyism That Would Send the Rest of Us to Prison.*

George McGovern, a former senator from South Dakota and the 1972 Democratic presidential candidate, put it well in a 2009 *WSJ* op-ed when he wrote: *But while the Democratic majority in Washington confers the power to reward our loyal supporters, today’s problems require solutions that transcend party politics. Even when that means taking unpopular stands.* This is not happening in today’s dysfunctional government. If the truth be told, hope for reform in college sports lays outside the Congress and in the courts with lawsuits against the NCAA and Electronic Arts by Ed O’Bannon and by Ryan Hart. Both lawsuits are seeking class-action status.

*I’m staggered at the complexity of the total problem.... I believe that achieving the stated goal (of reclaiming academic primacy in higher education) would not only be a boon to colleges and universities in the long run, but would also provide a tremendous and needed national challenge to primary and secondary education. The challenge would be to improve the quality of their graduates, and in the process, enable many school districts to emerge from a morass of continued mediocrity.*  
—**Stanton R. Cook**, Retired Chairman of the *Tribune Company* and Life Trustee at Northwestern University, 2003

**CONCLUDING REMARKS** – All of education and its problems are connected beginning with pre-school on up through the post-secondary level. Nonetheless, as challenging as the problems may be, President Obama and Secretary Duncan can begin fixing America’s failing education system that is encumbered by parasite-like organizations that feed off this educational system at all levels—thwarting reform efforts as they defend the status quo and their vested interests. Some thoughts and guidelines that may be useful in the fixing process are as follows:

1. Recognize that fixing America’s education system goes far beyond the classroom—involving family values as well as neighborhood and cultural circumstances.
2. Recognize that although K-12 teachers, administrators, and union representatives must be part of the fixing process, they need to forego obstruction mechanisms and become part of solutions.
3. Recognize that profiteering and childhood are a toxic mix, so there is a need to get priorities off of youth sports so primary and secondary students are thought of as children of promise rather than potential participants in an underdeveloped business opportunity.
4. Aim solutions in the form of best available practices at what is best for the students in their particular set of circumstances.
5. Recognize that these solutions may very well involve creative destruction of components of the failing system as opposed to job creation and retention.
6. Conduct independent assessments of voucher systems and charter schools to determine their fit in a matrix of best practices and circumstances.
7. Pressure colleges and universities to provide outcome assessments of their graduates.

8. Get America's colleges and universities to focus on education rather than athletics by working with the Congress to restrain the uncontrolled growth of their college sports entertainment businesses.

9. Use the Recovery Act's State Fiscal Stabilization Fund to hold a state's schools (colleges and universities as well as high schools) accountable for funding academic rather than athletic projects.

The time has never been better for the President Barack Obama and Education Secretary Arne Duncan to take a bold STEP—mandating transparency, accountability, and oversight at all levels of America's education system. Their action will speak much louder than soaring rhetoric. Nonetheless, in many years working at a seemingly Sisyphean task, I have come to the following sad conclusion: If the courts can't make a significant dent in America's deteriorating higher education system -- to the extent that academics and academic integrity as well merit-based admissions are valued above winning athletics teams and open admissions—then our grandchildren had better start learning Mandarin.

In this light, consider the prediction of the 18th-century Scottish historian Alexander Tytler: *A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship. The average age of the world's greatest civilizations has been 200 years.* Note that the government-forming U.S. Constitution was adapted 226 years ago in 1787.

*Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason.*  
—Thomas Paine, *Common Sense*, 1776

## AFTERWORD

The foregoing *CollegeAthleticsClips Guest Commentary*, "A Nation Still at Risk: The Tragedy of Failing Reform in K-12 and Higher Education," stemmed from an invitation to speak on May 23, 2013 in Elk Grove, Illinois about the negative impact of big-time college sports on the quality of education in America.

The set of reference Web Links and books, listed in Appendix 2, reflect a significant update to the original commentary. It includes, among other additions, a rather lengthy list of powerful, truth-telling articles and commentaries—including three *PBS Frontline* documentaries<sup>8, 12, 24</sup> and cover stories in the *Atlantic* by Taylor Branch<sup>9</sup> and Amanda Ripley<sup>40</sup> and in *Time* by Sean Gregory<sup>20</sup> and Jon Meacham,<sup>28</sup> The op-eds by Joe Nocera,<sup>33-35</sup> Jonathon Jacobs,<sup>22</sup> and Paul Peterson and Eric Hanushek,<sup>37</sup> as well as the publications advocating the reform of collegiate athletics (based on policy changes at the NFL and NBA) by John Bacon,<sup>5, B20</sup> Rachel Bachman and Ben Cohen,<sup>4</sup> and Matthew Futterman,<sup>15</sup> are representative of the breadth and depth of media coverage.

The addition of Tim Yonke's commentary, "Sacrificing education for sports?,"<sup>61</sup> APPENDIX 3, Bob Gilbert's columns "NCAA Lawsuit Developments," APPENDIX 4, and the following notes on the reference material should help the reader better understand the thinking behind reform efforts in K-12 and higher education as our nation muddles along with its sports-entertainment-distracted public and currently dysfunctional federal government. When taken together, this material not only provides a compelling argument for continuing efforts to reform K-12 and Higher Ed, but also for mitigating America's cultural bias for athletics over academics.

o **Mark Leibovitch's** book *This Town* tells how Washington really works for insiders, but to the detriment of low-budget reformers no matter how righteous their cause or dire the need.<sup>B15</sup>

o **James Areddy's** July 19, 2013, *Wall Street Journal* piece, "U.S. Seen Losing to China as World Leader,"<sup>1</sup> reports on the global survey by the Pew Research Center that found economic shifts are changing perceptions of the two nations.

o **Peter Navarro's** documentary, "Death by China: One Lost Job at a Time,"<sup>30</sup> chronicles China's growing power and global ambitions facilitated by its acceptance into the World Trade Organization in 2001—regrettably via strong bipartisan recommendations from the U.S. government. The film views the loss of 57,000 American factories and some 25 million related jobs to facets of a one-sided economic rivalry the long-term consequences of which most of a distracted American public is sadly unaware as it continues to purchase artificially low-cost, made-in-China merchandise. Here it is to be noted that a good part of this distraction can be attributed to the public's seemingly unquenchable thirst for sport's entertainment rather than education. Also see "Sports in America 2005: Facing up to Global Realities,"<sup>46</sup> and *Death by China: Confronting the Dragon – A Global Call to Action*.<sup>B11</sup>

o **Tony Wagner's** 2010 book, *The Global Achievement Gap: Why Even Our Best Schools Don't Teach the New Survival Skills Our Children Need—and What We Can Do About It*,<sup>B9</sup> focuses on Wagner's Seven Survival Skills: 1) Critical Thinking and Problem Solving, 2) Collaboration Across Networks and Leading by Influence, 3) Agility and Adaptability, 4) Initiative and Entrepreneurialism, 5) Effective Oral and Written Communication, 6) Accessing and Analyzing Information, and 7) Curiosity and Imagination.

o **Paul Peterson's and Eric Hanushek's** *Wall Street Journal* op-ed headlined "The Vital Link of Education and Prosperity"<sup>37</sup> states: "Data from 50 countries over half a century reveal how even a small education gain can mean a big economic payoff." Also see their 2013 book with Ludger Woessmann's, *Endangering Prosperity: A Global View of the American School*.<sup>B16</sup>

o **Jonathon Jacobs'** *Wall Street Journal* op-ed headlined "As Education Declines, So Does Civic Culture,"<sup>22</sup> states: "A generation of college graduates unable to write or reason bodes ill for liberal democracy."

o **Liz Rigg's** *Atlantic* story "'Why Do Teachers Quit? -- And Why Do They Stay?'"<sup>39</sup> is a must read for current and future K-12 administrators as well as for concerned parents.

o **Jal Mehta's** Foreign Affairs essay, "Why American Education Fails: And How Lessons From Abroad Could Improve It,"<sup>29</sup> and his book *The Allure of Order: High Hopes, Dashed Expectations, and the Troubled Quest to Remake American Schooling* wherein the author analyzes both the history and the common strands of education reform movements while also advancing proposals to avoid repeating the past while building a system that empowers educators to perform at their highest levels.<sup>B14</sup>

o **Diane Ravitch's** book *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools*<sup>B18</sup> expands on *The Death and Life of the Great American School System*<sup>B12</sup>—taking up questions of what we should be doing about education in America and what we should avoid doing (like becoming overly concerned about international test scores<sup>38</sup>). Ravitch stresses public school education as essential for our democracy and should be about learning, developing character, helping to develop independent thinkers, and creating citizens for our society, not honing job skills or preparing students for college.

o **Amanda Ripley's** cover story in *The Atlantic*, "How Sports Are Ruining High School: The Real Reason U.S. Students Are Falling Behind"<sup>40</sup> and her book, *The Smartest Kids in the World: And How They Got That Way*,<sup>B17</sup> reveal, through the stories of three young "informants" along with groundbreaking research into learning in other cultures, a pattern of startling transformation. To wit, none of these countries had many "smart" kids a few decades ago but things had changed. Teaching had become more rigorous; parents had focused on things that mattered; and children had bought into the promise of education.

o **Jon Meacham's** *Time Magazine* cover story, "The Class of 2025,"<sup>28</sup> states: "To succeed, the class of 2005 will still need a solid liberal arts education." The story is part of a *Time* Special Report on Higher Education that includes an essay by MIT President L. Rafael Reif, titled "Online learning will make college cheaper. It will also make it better," and a nine-page special advertising section on U.S. Research Universities (though the envy of the world, face growing global competition).

o **Joanne Lipman's** *Wall Street Journal* featured story headlined "Tough Teachers Get Results,"<sup>25</sup> in which she tells of her tough teacher, Mr. Jerry Kupchynsky. She writes: "Comparing Mr. K's methods with the latest findings in fields from music to math to medicine leads to a single, startling conclusion: It's time to revive old-fashioned education. Not just traditional but old-fashioned in the sense that so many of us knew as kids, with strict discipline and unyielding demands. Because here's the thing: It works. Studies have now shown, among other things, the benefits of moderate childhood stress; how praise kills kids' self-esteem; and why grit is a better predictor of success than SAT scores. The conventional wisdom holds that teachers are supposed to tease knowledge out of students, rather than pound it into their heads.... traditional methods like lecturing and memorization derided as "drill and kill"—dismissed as a surefire way to suck young minds dry of creativity and motivation. But the conventional wisdom is wrong. And the following eight principles—a manifesto if you will, a battle cry inspired by my old teacher and buttressed by new research—explain 1) A little pain is good for you; 2) Drill, baby, drill; 3) Failure is an option; 4) Strict is better than nice; 5) Creativity can be learned; 6) Grit trumps talent; 7) Praise makes you weak; and, 8) ....while stress makes you strong."

o **Skip Wood's** story, "Maryland's Curl case a symptom of big-time college sports hypocrisy,"<sup>60</sup> tells why the story isn't so much about Maryland as it is about higher education itself, and the near-universal impact athletics has on the school's academic mission." It's so easy these days to point an accusatory finger at the culture of big-time college football or basketball, quasi "student" athletes or even the presidents of universities," says Wood.

o **Malcolm Gladwell's** argument, on Fareed Zakaria's July 21, 2013, *CNN GPS* program segment,<sup>18</sup> explains why head injuries are the basis for his thinking that college football should be banned.

o **Sports Illustrated's** Special Five-Part Report "The Dirty Game: How You Go From Very Bad to Very Good Very Fast,"<sup>11</sup> that covers a 10-month investigation revealing the measures that a program will take to become elite—and consequent collateral damage. The Five Parts are: 1) The Money, 2) The Academics, 3) The Drugs, 4) The Sex, and 5) The Fallout.

o **Mark Yost's** *Wall Street Journal* Book Review, "Hard Knocks for America's Game: Insanely popular, immensely profitable and beset by problems, football is far more than just a sport"<sup>62</sup> wherein Yost reviews: *The King of Sports* by Gregg Easterbrook; *The System* by Jeff Benedict and Armen Keteyian; *The War on Football* by Daniel J. Flynn. Easterbrook claims many major athletics departments are structured as an independent organization "that leases campus space and school logos, then operates a tax-exempt business over which the school's president and board of trustees have little control."

o **Jon Solomon's** *AL.com* story headlined "EA Sports and CLC settle lawsuit by Ed O'Bannon plaintiffs; NCAA remains as lone defendant,"<sup>44</sup> reports that the O'Bannon's class action lawsuit against the NCAA, Electronic Arts (EA) and the Collegiate Licensing Company (CLC) has taken a major step forward. O'Bannon has agreed to a settlement with EA, which has published top-selling college football and basketball video games, and CLC, which represents more than 200 colleges, universities, conferences and bowl games in licensing contracts. The terms of the proposed settlement remain confidential but are poised to accomplish a key goal: college athletes gaining balance in their relationship with schools.

o **Gary Walters'** interview with New Jersey Press Media<sup>56</sup> in which he said: "So the story in college athletics today for me is not necessarily whether you pay the student-athlete another \$2,000. I don't care whether they give them \$2,000 or \$5,000. I think it disguises the greater problem, which is that these (revenue-generating) programs have basically evolved into pre-professional

programs, where many of these student-athletes major in eligibility, being directed to what courses they must take in order to be able to compete. For me this has been a terrible and almost sordid corruption of the concept of student-athlete welfare.”

o **Patrick Hubry's** October 10, 2013 essay, “Court of Illusion,”<sup>21</sup> details how, in its ongoing defense of college sports amateurism, the NCAA frequently makes a “procompetitive” argument that amateurism is necessary because it’s what makes college sports so popular, this despite the lack of any tangible evidence to that effect.

o **Dan Wetzel's** *Yahoo Sports*, article headlined “Latest college scandals again reveal folly of NCAA rules,”<sup>57</sup> states: “The real scandals don’t involve money; they involve academics or drug-test fixing or other real-world issues. Systematic academic fraud – one that keeps borderline students uneducated – is what should generate the harshest penalties, the loudest condemnations and the most aggressive NCAA investigations. These are, after all, supposed to be institutions of higher learning. And the schools are very capable of looking into this stuff themselves.”

o **Brad Wolverton's** October 7, 2013 *Chronicle* piece<sup>59</sup> reports on a possible settlement of the O'Bannon lawsuit against the NCAA. It is my view that the ultimate beneficiary of a settlement would be the relatively deep-pocketed NCAA that can get what it wants by emulating the strategy the NFL employed in its \$765 million settlement with former players – focusing on the NFL’s ability to obtain a no-liability clause that said it would never have to reveal what it knew and when it knew it. It’s possible that the NCAA could use its immense financial power and army of lawyers to make an offer the plaintiffs can’t refuse, not only to avoid a potentially unfavorable court decision, but also obtain a settlement subject to conditions such as: 1) it admits no wrong-doing; 2) court findings and records not be made public; and 3) it will be able to continue with its amateur (student-athlete) model for college athletics. See the *PBS “Frontline”* documentary “League of Denial: The NFL’s Concussion Crisis.”<sup>24</sup> Also see related documentaries “Money and March Madness”<sup>8</sup> and “Football High”<sup>12</sup> as well as reference books *The System*<sup>B21</sup> and *League of Denial*.<sup>B22</sup>

o **The New York Time's** October 3, 2013, editorial, “Unfair Business in College Sports,”<sup>32</sup> quotes Walter Byers, the first executive director of the NCAA and now a critic of the way it does business, who aptly described the athletes’ plight in his 1997 book, *Unsportsmanlike Conduct: Exploiting College Athletes*,<sup>B4</sup> “The college player cannot sell his own feet (the coach does that) nor can he sell his own name (the college will do that). This is the plantation mentality resurrected and blessed by today’s campus executives.”

o **Warren Zola's** June 17, 2013, *Chronicle of Higher Education* commentary<sup>64</sup> advanced a plan to create an NCAA ‘Super Division’. My related July 10, 2013, letter<sup>52</sup> claims the fatal flaw in Zola’s plan is the retention of the so-called Super Division I (SDI) revenue-generating football and men’s basketball programs within the jurisdiction and regulatory oversight of the NCAA while still expecting the programs to abide by its mission “to be an integral part of higher education and to focus on the development of our student-athletes.” The key question is: Based on the NCAA’s history of notoriously weak rules enforcement, how can it assure interested outside parties, e.g. the U.S. Congress, that its member institutions are in compliance with this mission? See Wetzel.<sup>57</sup>

o **Jon Solomon's** article “Introducing the NCAA Accountability Act,”<sup>43</sup> covers legislation (H. R. 2903), proposed by Rep. Charles Dent (R-PA), and Rep. Joyce Beatty (D-OH), that calls for universities to be prohibited from receiving federal Title IV funds if they participate in athletic associations, such as the NCAA, that don’t implement Congress’ proposed new rules as part of the Higher Education Act of 1965. The bill would effectively force the NCAA to take measures to protect athletes: require annual baseline concussion tests, provide four-year scholarships for athletes participating in contact/collision sports that are irrevocable based on athletic skill or injury, prevent an institution from implementing a policy that prohibits institutions from paying stipends to college athletes, and ensure that athletes and universities have the opportunity for a formal administrative hearing prior to any NCAA punishment for an alleged violation. Unfortunately, the bill is very limited in scope as it does not address the following key issues:

1) The NCAA’s false claim that its so-called student athletes are real college students on track to receive a meaningful, fully accredited degree as opposed to a diploma-mill-like degree, 2) The lack of rigorous testing and enforcement regimes for the use of performance enhancing drugs by a school’s recruits and athletes, 3) The lack of transparency with respect to courses, grades, professors related to “student-athletes,” 4) The NCAA’s tax-exempt status as an institution of higher education, as well as contentious matters involving antitrust and pay-for-play issues. Also see the following re: The Drake Group’s legislative initiative.

o **Brad Wolverton's and Allie Grasgreen's** October 11, 2013, reports on The Drake Group’s pro forma federal legislation titled “College Athlete Protection Act,” that aims to radically overhaul the NCAA—proposing a limited antitrust exemption for the association that would allow it to cap runaway spending and redirect revenue toward athletes in the form of educational and medical benefits while better aligning commercial interests with education. Among other things, “the proposed legislation would restructure the NCAA’s Executive Committee into a more independent body with the authority to enforce Congressionally approved limits on coaching compensation and sports spending; the restructured board—which would comprise former presidents, trustees, athletic directors, faculty members, and athletes from all three NCAA levels—would also be responsible for establishing a revamped enforcement system in which retired judges would be paid to oversee major infractions cases; in addition, the new system would provide players and others charged with NCAA violations greater due-process protections, said Wolverton.”<sup>59</sup> According to Grasgreen,<sup>19</sup> “the proposal, which is still in the early draft stages, would probably be introduced as an amendment when Congress renews the Higher Education Act of 1965, a process that has begun but is unlikely to unfold at a quick pace.” Also, see the above discussion re: Jon Solomon<sup>43</sup> and the “NCAA Accountability Act” for a similar but less comprehensive effort as well as related pieces by Zola,<sup>64</sup> Splitt,<sup>52</sup> Nocera,<sup>34, 35</sup> Bacon,<sup>5, B20</sup> Bachman and Cohen,<sup>4</sup> Futterman,<sup>15</sup> and Lyons.<sup>27</sup>

*The enemy I fear most is complacency. We are about to be hit by the full force of global competition. If we continue to ignore the obvious task at hand while others beat us at our own game, our children and grandchildren will pay the price. We must now establish a sense of urgency.—Charles Vest, President Emeritus of the National Academy of Engineering and President Emeritus of the Massachusetts Institute of Technology, 2009*

America is confronted with immense problems in today’s global economy, none the least of which are the loss of its manufacturing base (industrial capacity) and an increasingly destructive economic trade relationship with China that holds over a trillion dollars of U.S.

debt...problems compounded by the relatively poor performance of its K-12 students on international tests and exasperated by failing reform. In this light, it is sad to note the lack of leadership action by government officials—ranging from President Barack Obama and Education Secretary Arne Duncan to members of the U.S. Congress—to reverse failing reform in America’s K-12 and higher education systems. A mandate for transparency, accountability, and oversight at all levels of America’s education system would have been a good beginning, for example see Otto/Splitt.<sup>36</sup> Needless to say, hyper-partisanship and government dysfunction looms large in Washington. The nation is still at risk with its future socioeconomic well-being in dire jeopardy—that is a tragedy.

It has been a little over 10 years since a May 2003 conversation with Jim Duderstadt, president emeritus at the University of Michigan and author of *Intercollegiate Athletics and the American University*,<sup>B5</sup> launched me on an odyssey of reading, writing, and speaking about collegiate athletics and education system reform. It is my hope that discussions and references contained in this commentary as well as in my collected works (<http://thedrakegroup.org/authors/splitt>) will not only help establish a sense of urgency, but also serve as useful guides to reform in K-12 and higher education.

Finally, personal circumstances along with the settlement of the EA and CLC components of the O’Bannon lawsuit that allows the plaintiffs’ attorneys to focus on the case against the NCAA, the growing number of reform ideas and proposals, as well as the veritable tsunami of attention-getting headlines and stories by a rising chorus of other writers have led me to consider the commentary, “A Nation Still At Risk,” with this Afterword to be my capstone piece on college sports and education reform.

Frank G. Splitt  
November 2, 2013

## *Telling the truth about a given condition is absolutely requisite to any possibility of reforming it—Barbara Tuchman*

**APPENDIX 1: CONTENTS & GENESIS for The Back Story: The Lead-up to Essays on Education and Sports Reform Via “An Odyssey of Reform Initiatives: Some Markers along the Way,” A publication of FutureVectors, Inc. Online Access Courtesy of CollegeAthleticsClips.**

**PART I** – <http://www.collegeathleticsclips.com/index.php/archive/nicknamesmascots/7998-an-odyssey-of-reform-initiatives-some-markers-along-the-way-part-i>

**The New Reality... A Call for Leadership**—Adapted from a speech delivered at the Illinois Alpha Chapter initiation banquet at the University of Illinois at Urbana-Champaign on Nov. 9, 1990. Addresses at the 1988 & 1991 National Engineering Consortium (NEC) Internship Program Colloquia, the 1988 Industry-Day banquet at Notre Dame University, and the 1988 Eta Kappa Nu banquet at Marquette University were based on essentially the same material. The electronic versions of this and the following essays were developed by the International Engineering Consortium (IEC), ([www.iec.org](http://www.iec.org)).

**Creating Our Common Future – Reflections on the Four Es: Environment, Education, Energy, and Economics**—Based on a presentation at the 1991 National Communications Forum’s University-Industry Colloquium, *2021 AD: Visions and Directions*, on September 29, 1991. It was published as a monograph by the IEC in April 1992, and, as an adapted paper, in the Fall 1992 issue of *THE BENT of Tau Beta Pi* with a letter contribution on sustainable development published shortly thereafter. The paper provided the themes for the keynote addresses as well as the Ameritech *SuperSchool* and the Nortel environmental initiatives at *SUPERCOMM/ICC’92*. It was also used as one of the background documents for the 1994 National Science Foundation Workshop on Engineering Education and served as the basis for the author’s addresses in March 1992 at the University of Illinois at Chicago and at the 20<sup>th</sup> Annual Computer Science Conference, in May 1992 at Northeastern Illinois University, in September 1992 at Clemson University, and at the June 1993 Society of Women Engineers National Convention.

**PART II** – <http://www.collegeathleticsclips.com/index.php/archive/nicknamesmascots/8000-an-odyssey-of-reform-initiatives-part-ii>

**The U.S. Information Industry: Creating the 21st Century**— This “white paper” was the outcome of research on building U.S. National Information Infrastructure commissioned by the IEC on October 5, 1992 and published in March 1993 as a service to the Information Industry. The paper received wide distribution within academic, industrial, research, and government communities. It also was reprinted by The Aspen Institute for Information Studies, and as part of a compendium of NII related papers by Harvard’s John F. Kennedy School of Government. The paper provided the basis for the author’s presentation at the IEEE – USA Information Exchange on Telecommunications as Part of the National Information Infrastructure, Arlington, VA, May 5, 1993; the author’s Keynote Address at the Third Annual Assembly of the Independent Telephone Pioneers Association, Newport Beach, CA, April 15, 1993, and his North Central College Cultural Event Lecture on Creating 21<sup>st</sup> Century Information Infrastructure, Naperville, IL, May 10, 1994. Earlier versions of this paper, titled “A Call to the Business & Academic Sectors of the Information Industry for a National High Technology Agenda” were presented by the author at the Accreditation Board for Engineering and Technology Annual Meeting on October 29, 1992 and at the Alliance for Public Technologies 3<sup>rd</sup> Annual Conference on February 26, 1993.

**PART III** – <http://www.collegeathleticsclips.com/index.php/archive/nicknamesmascots/8001-an-odyssey-of-reform-initiatives-part-iii>

**An Odyssey of Educational and Environmental Initiatives: From National Information Infrastructure to the Fate of our Inland Lakes and Ecoefficent Design**— The Keynote Address at the GREEN ENGINEERING CONFERENCE on Sustainable and Environmentally Conscious Engineering, sponsored by: Virginia Polytechnic Institute and State University College of Engineering, Center for Organizational and Technological Advancement and the Chemical Engineering Branch, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency.

**A Grand Challenge: Systemic Engineering Education Reform**— Encapsulated important aspects of “Engineering Education Reform: A Trilogy,” that was published by the IEC as a service to academia government, and industry. It aimed to not only bring the engineering community up to date on the efforts to improve engineering education in the 21<sup>st</sup> century, but also to be used as a guide to engineering education reform and a introduction of the Systemic Engineering Education Reform (SEER) Campaign to the 90,000 members of the Tau Beta Pi Engineering Honor Society. It provided the framework for the author’s March 16, 2003, plenary address, “Systemic Engineering Education Reform: It’s About Time,” at the *Share the Future IV Conference* sponsored by the National Science Foundation and its Engineering Education Coalitions. An overview of the plenary remarks can be found in Appendix 1 of “Reclaiming Academic Primacy in Higher Education: Working for Reform in Intercollegiate Athletics and Engineering Education.” ([http://drakegroupblog.files.wordpress.com/2012/12/splitt\\_reclaiming\\_academic\\_primacy.pdf](http://drakegroupblog.files.wordpress.com/2012/12/splitt_reclaiming_academic_primacy.pdf)).

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### Appendix 3 – Are we sacrificing education for sports?

*Quoted from Tim Yonke's commentary in the June 14, 2013, issue of The Daily Journal. Yonke is the Assistant Managing Editor/Weekend Editor at The Daily Journal. He can be reached by calling 815-937-3372 or by email at [tyonke@daily-journal.com](mailto:tyonke@daily-journal.com)*

Americans are obsessed with sports. I know I am. We tend to put a lot of importance on athletics, whether it's youth leagues, high school, college or the pros. But as a nation, where has our fascination with sports gotten us?

This topic was brought up by my wife, an eighth-grade math teacher in the Joliet Public Schools District 86, as we sat in a restaurant and noticed a wall where the local high school sports teams were highlighted. There was nothing highlighting the high school debate, speech or scholastic bowl teams but plenty on the baseball, softball, track, swimming and soccer teams.

It seems we're quick to heap praise on students who excel on the court, field, track or pool but reluctant to praise those students who score well in the classroom or on national tests. For the last 20 years or so, education scores in the U.S. have fallen like a stone.

Worldwide, the U.S. is ranked 17th in an assessment of the education systems of 50 countries by the International Business Times, behind several Scandinavian and Asian nations, which claimed the top spots. In another international comparison of math, reading and science skills among eighth-graders, America is rated ninth in math, sixth in reading and 10th in science.

Those rankings are hardly something of pride for a land that often touts itself as the No. 1 country in the world. This made me stop and wonder if our obsession with sports actually harms our education system. Think about it. The growth of sports, particularly college and high school, seems to go hand in hand with our declining test scores.

More and more universities and colleges are turning to athletics to generate money. Schools have been handing out more athletic scholarships. At the same time, a lot of colleges have been cutting back on their academic scholarships.

Take a look at all the problems this nation faces. Wouldn't it make sense to try to help the brightest of the next generation of leaders who could possibly solve problems like the national debt and the decaying environment?

But instead of rewarding students who show great promise academically, we're more concerned about helping students who can hit a baseball, catch a pass or shoot a basketball, which will, in turn, bring the school more money.

So, what's the benefit? Publicity for your school? And what's the objective of a college or university? Is it to have the No. 1 football team in the nation? Or is it to provide this nation with the best-educated students who possibly could help the USA truly become No. 1?

Instead of providing the National Basketball Association with its next superstar, how about developing the next Albert Einstein? Food for thought.

### Appendix 4 – NCAA LAWSUIT DEVELOPMENTS

*Quoted from Bob Gilbert's Columns for Sunday, July 21 and October 29, 2013. Columnist Bob Gilbert is a former Associated Press writer, retired University of Tennessee news director, and author of the Bob Neyland biography. He can be reached at [rwgilbert@charter.net](mailto:rwgilbert@charter.net)*

**July 21, 2013** -- A federal court lawsuit that was filed four years ago today took a dramatic turn this past week and increased the threat of death for the NCAA, the end of big-time college football and basketball, and bankruptcy for many universities.

For the first time, the NCAA is acknowledging the possibility it and its member schools could lose billions of dollars they receive from television revenues. In the latest developments: 1) Six current football players from the major conferences joined former athletes who claim the NCAA owes them monetary compensation for using their likenesses for video games and other commercial purposes; 2) The NCAA disassociated itself from Electronic Arts Inc, the manufacturer of video games which use the images of current and former college athletes; 3) Attorneys in another federal lawsuit asked the court to designate the case a class-action to include thousands of athletes who suffered long-term injuries while playing college sports; 4) Moody's credit service downgraded the NCAA's rating to "negative" because of the O'Bannon lawsuit and threat to the NCAA's revenue stream. Moody's said the lawsuit could "destabilize" big-time college sports and "negatively impact the NCAA and its member universities."

The initial lawsuit by former UCLA basketball star Ed O'Bannon and other ex-players sought "damages" for the use of their images, statistics and jersey numbers. When six current players joined the lawsuit this week, it was amended to ask for a share of current NCAA television revenue.

The NCAA has a 14-year, \$10.8 billion contract with CBS Sports and Turner Broadcasting that generates \$702 million a year for the NCAA, with the payment escalating about 2 percent annually. The TV deal represents 81 percent of the NCAA's \$872 million total annual revenue. The NCAA reported an all-time high surplus of nearly \$71 million for the 2012 fiscal year. Its own financial records show the NCAA has \$566 million in unrestricted assets, roughly double what it had six years ago.

If the courts were to rule against the NCAA, it might be forced to pay current players \$351 million a year – a sum that would produce an annual deficit of \$280 million. At that rate, within three years, the NCAA would be bankrupt.

In addition, universities with big-time football and basketball programs – the Alabamas, Ohio States, Tennessees, Notre Dames -- face potential bankruptcy because they would be forced to share millions of dollars in TV revenue with current players.

Aware of its vulnerability, the NCAA is trying to divorce itself from the video-game manufacturer and Collegiate Licensing Company, both defendants with the NCAA in the O'Bannon lawsuit. Donald Remy, the NCAA vice president for legal affairs, said this week that the O'Bannon lawsuit threatens the NCAA's so-called "amateur model" by "professionalizing a few current student-athletes." The O'Bannon lawsuit threatens college sports as we know it," Remy said.

Michael Hausfeld, the lead attorney for the O'Bannon lawsuit, said the NCAA argument is hypocritical. "They're desperate," Hausfeld said. "(Remy's) statement was an expression of desperation."

The six current players who joined the O'Bannon lawsuit are players from Vanderbilt, Arizona, Clemson and Minnesota. Their entry into the case altered the situation dramatically and heightened the threat to the future of the NCAA and big-time college football and basketball.

One of the new plaintiffs, Arizona linebacker Jake Fischer, said he stepped forward to give players a voice on issues of long-term health and access to a quality education. Fischer said he has met many former players "who have lingering effects from injuries, not getting a great education, not having all the capabilities or the opportunities that a regular student would have." Fischer said he wants "to fix that."

Without the players, there would be no college football and billion-dollar revenue streams for the NCAA and the universities, said Fischer teammate and kicker Jake Smith. "If we didn't exist, there would be no University of Arizona football team ... no Alabama Crimson Tide football team ... no Florida Gator football team ... no Texas A&M football team," Smith said. "Without us, there is no they."

Arizona coach Rich Rodriguez and athletics director Greg Byrne support the right of Fischer and Smith to join the O'Bannon lawsuit. "They're two conscientious guys, and they're both appreciative of playing college football," Rodriguez said. "It's not like they're disenchanting with the system. They love being student-athletes. But with the likeness issue, they wanted to see if they could have a voice for college athletes, and I said I support that."

A separate lawsuit was filed by former Eastern Illinois player Adrian Arrington who says he suffered long-term health problems because of a football injury. He wants the NCAA to protect student athletes from concussions. Rejecting claims made by Arrington in his lawsuit, the NCAA Saturday said it has taken steps to protect athletes from head injuries and that safety is one of the NCAA's "foundational principles."

Underlying the lawsuit, and the threat of ultimate annihilation, is the apparent chasm developing between the NCAA and its member universities. In separating itself from the Electronic Arts and Collegiate Licensing, the NCAA said the use of players' images is now an issue between the individual universities and EA and CLC. In other words, it's every man for himself.

Historically, the NCAA has represented itself as the spokesman for big-time college sports. Now that its future is threatened, the NCAA is saying cowardly and hypocritically that the universities are on their own. Doomsday could well be approaching for big-time college sports. The O'Bannon-NCAA trial is scheduled for June 2014.

**October 29** – The NCAA suffered another major setback Friday (October 25) in its efforts to keep from paying college athletes billions of dollars which colleges receive from televised games.

Former UCLA basketball player Ed O'Bannon and others are suing to receive compensation for the use of their images and likenesses on TV games and video games and wearing apparel.

Federal judge Claudia Wilken of Oakland, Calif., is expected to rule within two weeks on whether the lawsuit will be a class action representing thousands of current and former athletes. If she rules in favor of the plaintiffs, the NCAA could owe the players billions of dollars in retroactive compensation.

"Class certification will be the game-changer," pressuring the NCAA to do something to avoid losing control of a multi-billion-dollar industry," said Ramogi Huma, president of the National College Players Association.

But Huma wonders if the NCAA member schools will first seek to enter into settlement talks with the players. "There are no more options for the NCAA in getting this case thrown out (on procedural grounds)," said NCAA critic and former Nike executive Sonny Vaccaro. "(Judge Wilken) keeps moving it forward, and now the players ... will get their day in court."

"Now that the plaintiffs are able to challenge the NCAA on the merits of its case, there is (a) very strong chance that O'Bannon will prevail," said Marc Edelman, a law professor at New York's Baruch College.

The NCAA did not return requests for comment.

The NCAA is the lone defendant left in the O'Bannon lawsuit. Video game manufacturer Electronic Arts Sports and Collegiate Licensing Company, which represents the NCAA and member universities in trademark opportunities, recently agreed to settle the case with the plaintiffs for \$40 million.

In doing so, the NCAA shifted \$10 million into an educational fund that qualified athletes could access.

The NCAA for 30 years has insisted the U.S. Supreme Court previously held that players cannot be paid. Judge Wilken's rulings thus far have taken issue with the Supreme Court. NCAA chief legal counsel Don Remy has said the NCAA will fight the players all the way to the Supreme Court.

## NCAA SPLIT-UP

The wealthiest athletics departments are threatening to form an elite NCAA division so they'll have more input over rules and regulations governing football and basketball.

A group of 12 Division I coaches' associations in sports such as soccer, volleyball and swimming is urging the NCAA to increase the number of sports and the amount of financial aid a university could give athletes.

The proposal comes as athletics directors, conference commissioners and others meet today in Indianapolis to discuss ways to improve the NCAA Division I governance structure.

In short, coaches want a greater voice in the affairs of Division I.

The biggest Division I programs currently must sponsor a minimum of 16 sports. The proposal for a new elite subdivision would require colleges to offer 24 sports, including 10 men's teams.

The proposal would require universities to provide teams with a minimum of 60 percent of funds based on NCAA financial aid limits. Many programs already provide the full amount of scholarships allowed, but plenty of teams do not, creating a competitive imbalance in Division I.

The Division I board of directors will meet again Wednesday to continue the discussion. Then, on Jan. 16-17, deeper conversations will be held during the 2014 NCAA annual convention in San Diego.

*Universities exist to transmit understanding and ideals and values to students, and to add to the body of intellectual knowledge, not to provide entertainment for spectators or employment for athletes. The proper role of athletic activity at a university is to foster healthy minds and healthy bodies, not to produce spectacles.*

**Milton Friedman**, excerpt from his 1998 endorsement of the Rutgers 1000 campaign

## Revisiting “A Nation Still at Risk”

a *College Athletics Clips* Guest Commentary

By Frank G. Splitt, *FutureVectors, Inc.*, 3-26-14

*The educational morass in American K-12 and Higher Education continues unabated as school wars persist in the K-12 sector while the NCAA still rules at far too many institutions of higher learning that are characterized by “beer and circus” campuses, but significant change is in the wind,*

**PREFACE** -- This commentary provides an update to the author's previous *College Athletics Clips* guest commentary<sup>1</sup> This “revisit” should help the reader better understand the thinking behind ongoing reform efforts in K-12 and higher education as our nation continues to muddle along with its sports-entertainment-distracted public and dysfunctional federal government. When taken together, this material not only provides a compelling argument for continuing efforts to reform K-12 and Higher Ed, but also for mitigating America's cultural bias for athletics over academics.

**A NATION STILL AT RISK: K-12 EDUCATION** – The following remarks are based in large part on a running dialogue with Diane Ravitch that centered on issues raised in her recent book, *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools*.<sup>2</sup> The dialogue began with my review of her book<sup>3</sup> and my personal view that test scores don't tell the whole story about student learning.<sup>4</sup> One of the many dangers referred to in the subtitle of Ravitch's book was aptly described in the editorial cartoon shown on the following page. Of course the cartoon doesn't show the whole story; not shown is the atmosphere that is poisoned by political polarization and pejorative, zero-sum-game rhetoric.

Valuable (sometimes contrarian) perspectives on K-12 education also come from the late Myron Lieberman, a nationally recognized analyst of educational issues, in two noteworthy books<sup>5, 6</sup> In the 1989 book Lieberman expressed the view “that contrary to conventional reform proposals, the only ways to improve American education are to (1) foster private schools that compete with public schools and among themselves and/or (2) foster for-profit competition among service providers within the public school system.”

In his very last book, Lieberman dedicates a good deal of discussion to Teacher Representation (pages 119-169). He also writes: “Since 1988, Democratic and Republican administrations have each controlled federal education agencies for approximately eight years; neither effectuated any significant improvement in our educational situation.” Now *there* is something to think about.

There are three noteworthy publications that bear on the controversial Common Core Standards....publications that I consider to be objective as opposed to non-constructive and hypercritical.<sup>7-9</sup> Also, the introduction to the 2000 edition of Ravitch's book *The Great School Wars*<sup>10</sup> is quite insightful, especially her views (p. xxvii) on the need for “preparing a citywide curriculum, setting standards of achievement, assisting teachers to master the standards, offering assessments based on those standards, and supplying the extra help that struggling students needed to meet the standards.” In the last paragraph of the book (p. 404) Ravitch focuses on comity; to wit:

While the language of school wars relates to educational issues, the underlying contest will continue to reflect fundamental value clashes among discordant ethnic, cultural, racial, and religious groups. And this very fact underlines the importance of comity in the politics of education---comity, that basic recognition of differences in values and interests and of the desirability of reconciling those differences peacefully which the school itself aims to teach. The effort to advance comity, in educational affairs and in the affairs of the larger society, has always been at the heart of public education.

Comity is sorely needed in today's rancorous school wars with their ongoing battles over Common Core Standards, charter schools, privatization, and more. Positive contributions aimed at fixing problems with the standards and their implementation along the lines suggested in the referenced *LA Times* editorials would go a long way toward satisfying this need---so too would ending union bashing as well as the vilification of the corporations, foundations, and wealthy individuals supporting school choice.



*Robert Ariail, Daily Herald, March 19, 2014, used with permission*

The U.S. Department of Education really needs help via a heavy dose of constructive criticism re: the flawed Common Core Standards design and bungled implementation described in a litany of related criticisms found on Ravitch's blog-site, for example, see Ravitch.<sup>11</sup> We can only hope that our nation's teachers, with guidance from educational leaders such as Ravitch, can rise to the occasion and help resolve issues related to school choice and privatization as well as provide requisite corrective action on the manifest problems besetting the Common Core and its ill-advised implementation plan.

**A NATION STILL AT RISK: HIGHER EDUCATION** – The lack of government and public reaction to the negative educational impact of college sports on our nation's beer-and-circus campuses is appalling.<sup>12, 13</sup> Cheating and academic corruption scandals at schools supporting big-time football and men's basketball programs have been well reported with the most recent example coming from the University of North Carolina.<sup>14-16</sup> The smoldering crisis in America's system of higher education where the academic mission at many schools has been hijacked by the professional college sports entertainment industry goes unheralded.

Sad to say, the cheating and corruption that enable the NCAA cartel to field professional teams and have their conferences serve as the minor leagues for the NFL and NBA are rooted in the same types of cronyism and cozy relationships that have been instrumental in bringing about the headline crises of the day. The NCAA and its member institutions have conflicting interests as promoters of their professional sports businesses and enforcers of rules that can curtail the viability of these businesses. Worse yet, there is no meaningful oversight as the NCAA and its member institutions are not only self-reporting, self-regulating, and self-enforcing, but have also used close relationships to co-opt the supposed watchdog Knight Commission on Intercollegiate Athletics.

However, change is in the wind as the NCAA is currently besieged by potentially devastating lawsuits. First there is the O'Bannon's class-action antitrust lawsuit against the NCAA. U.S. District Judge Claudia Wilken ruled on Feb.20, 2014, that barring a settlement, the case will go to trial beginning June 9, 2014.<sup>17</sup> The decision is not only a major victory for Ed O'Bannon, the former UCLA basketball player challenging the collegiate athletic association's ban on compensating athletes, but also for Michael Hausfeld, the O'Bannon plaintiffs' lead attorney, and Sonny Vaccaro, the driving force behind this suit.

The latest suit, filed March 17, 2014 by prominent sports attorney Jeffrey Kessler on behalf of current football and basketball players, names the NCAA and college sports' five most prominent conferences as defendants<sup>18</sup> The suit claims that college sports leaders illegally restrict competition for the services of college athletes and seeks an injunction for the NCAA to drop its limits on player compensation, which association rules restrict mainly to athletic scholarships. The suit poses a direct challenge to the NCAA's amateur model that's based on a false claim.<sup>19</sup> For more see the Appendix, "**NEW NCAA LAWSUIT.**"

And then there is the threat of athlete unionization that lays bare the lie behind the NCAA's claim that its athletes are not employees. The College Athletes Players Association (CAPA) unionization initiative at Northwestern is led by Kain Colter and Ramogi Huma.<sup>20, 21</sup> Its case before the National Labor Relations Board is based on the validity of its claim that the school is an employer and the athletes are its employees. With this claim in mind, I sought an informal legal opinion from Amy and Robert McCormick, Emeritus Professors of Law at Michigan State University and authors of a must-read supporting commentary for my Oct. 17, 2008, Clips Guest Commentary,<sup>22</sup> as well as law review articles on the student-athlete myth and the exploitation of college athletes.<sup>23-25</sup> The specific question was: Did they concur in the view that by virtue of the (pay-for-play) nature of the bartering exchange between college athletes and the school, that the school is an employer that benefits commercially from the play of its revenue-generating employee-athletes? Their response to my question was as follows:

Yes, definitely. The employment relationship is present when the putative employer (here, Northwestern) and the putative employee (scholarship athletes) enter into a contract according to which the employee provides services to the employer, in return for compensation, and under "the control, or right to control, the services provided." In the barter situation, the "compensation" part of that formula consists of tuition, room, board, books, etc. Scholarship benefits, of course, have substantial pecuniary value and should be treated no differently than if cash or other financial remuneration were provided. Incidentally, whether or not the employer is profitable has no direct bearing on employer-employee status under the common law. The fact, though, that the college sports industry generates so much money highlights the unfairness of the current situation.

In his column for March 4, 2014, Bob Gilbert added to the NCAA's worries when he reported the following:

William B. Gould, former chairman of the National Labor Relations Board, believes the players who are seeking union certification established sufficient evidence to be deemed university employees. "Whether they can convince the (NLRB) hearing officer is another matter," Gould told Brad Wolverton of *The Chronicle of Higher Education*. "Their work (football up to 60 hours a week) is not related to the main mission of the university, which is education," Gould said. Ramogi Huma, president of the College Athletes Players Association, told the NLRB the players are recruited to play football and, if they stop playing football, their scholarships can be taken away.

Future efforts to unionize athletes at public (rather than private) colleges and universities that are covered by state labor laws should be able to draw upon the closing remark (p. 1078) by Nicholas Fram and T. Ward Frampton.

American labor law's reliance on anachronistic formulas for delineating who constitutes an "employee" seems shallow, at best. Yet despite these shortcomings, labor law has articulated theoretical frameworks (in certain jurisdictions, at least) that would likely encompass college athletes as "employees." In at least a dozen states, we believe college athletes would be among those individuals entitled to certain basic statutory protections, should they collectively undertake to alter the conditions under which they labor. Recognizing that college athletes who perform on the college gridiron or basketball court are both students and workers is not just descriptively honest, but in the final analysis, the fair thing to do. Those whose talents and efforts generate millions of dollars for others are entitled to basic collective rights with respect to the labor they provide.<sup>21</sup>

Some of the above issues were aired on a recent *NBC News Meet the Press* program wherein Dick Gregory moderated a panel consisting of Obama aide Reggie Love, Education Secretary Arne Duncan and NCAA President Mark Emmert who discussed the ethics of compensating college athletes.<sup>26</sup> Noticeably absent from the panel were any advocates for college athletes who could make the argument that these athletes are: 1) really employees and 2) have little if any time to be real students. The intense professional level of practice and play required of these athletes to make the very best of them ready for the NFL or NBA leaves little time to study and renders them so tired that they miss classes or fall asleep during classes they do attend.

In stark contrast to the action in the courts, progress in college sports reform via government action is glacially slow in coming. Still in the works is the College Athlete Protection Act (CAP) proposed by The Drake Group.<sup>27</sup> The Act would give the NCAA a limited antitrust exemption, but wouldn't let it off the hook for past exploitative practices. It aims to refocus the association and its members on academic integrity.

**CONCLUDING REMARKS** – The educational morass in American K-12 and Higher Education continues unabated as school wars persist in the K-12 sector while the NCAA still rules at far too many institutions of higher learning characterized by beer- and-circus campuses that are academically adrift in a sea of sports. The U.S. Department of Education really needs help via a heavy dose of constructive criticism. We can only hope that our nation's teachers, with guidance from educational leaders such as Diane Ravitch, can rise to the occasion and provide requisite corrective action on the manifest problems besetting the Common Core Standards flawed design and its ill-advised implementation plan. Successful legal challenges to the NCAA's amateur model as well as its exploitation of college athletes are likely to break the NCAA's stranglehold on America's colleges and universities.

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## APPENDIX -- NEW NCAA LAWSUIT

Quoted from Bob Gilbert's column for Monday, March 17, 2014. Columnist Bob Gilbert is a former Associated Press writer, retired University of Tennessee news director and author of the Bob Neyland biography.

Every time the NCAA turns around, its future is being threatened with a new lawsuit. The latest, filed Monday in a New Jersey federal court, seeks to strike down permanently the amateurism model embodied in the NCAA's policy that prevents scholarship football players from being compensated for the billions of dollars they help generate for their schools.

"In no other business – and college sports is big business – would it ever be suggested that the people who are providing the essential services work for free," labor lawyer Jeffrey Kessler said on the plaintiffs' behalf. "Only in big-time college sports is that line drawn," Kessler said. The lawsuit claims the NCAA has violated antitrust laws by capping player-compensation at the value of an athletic scholarship. The defendants in the new lawsuit are the NCAA and its five largest conferences – the SEC, Big Ten, Pac-12, ACC and Big 12. The lawsuit is a class action, meaning it proposes to represent all scholarship football and basketball players in Division I.

A similar, but less aggressive lawsuit, was filed earlier this month on behalf of a former West Virginia running back who asks that defendants also named by Kessler be required to pay damages for the difference in the value of an athletic scholarship and the full cost of attending college – an amount equivalent to several thousand dollars annually.

Kessler's lawsuit asks the judge to end the practice by issuing an injunction against the NCAA. The action claims NCAA member universities are acting as a cartel by fixing the prices paid to athletes, who presumably would receive offers (from professional teams) well in excess of tuition, room, board and books, ESPN reported.

"Do fans care that the coaches on these teams are making millions of dollars? Kessler asked. "Do fans care that these programs are generating billions of dollars in revenue?" Kessler said it will be fair to the athletes if a fair portion of the revenue they generate goes to the athletes.

"America is a capitalist nation with laws to protect the free market," said Ramogi Huma, president of the National College Players Association, an advocacy group. "We've fought wars and lost soldiers to defend our economic system.

The NCAA's cap on players' compensation is both un-American and illegal."It is significant that the latest lawsuit was filed by Kessler, who has a history of victories against sports leagues dating back to the 1970s. He helped bring free agency to the NFL.

In 2010, CBS and Turner Sports agreed to a 14-year, \$11 billion contract to televise the NCAA men's basketball tournament. And ESPN has paid \$5.64 billion over 12 years to create the four-team College Football Playoff beginning next fall. Kessler told ESPN that the professional team owners in the 1970s warned that free agency and competition for players would destroy pro football, basketball, baseball and hockey.

"All you have to do is look at those sports today. Just the opposite has happened," Kessler said. "(The lawsuits) will end up saving college sports."

**ACKNOWLEDGEMENTS** – My appreciation and thanks go to primary teachers Holly Rothstein Balk, Barbara Anderlik Griffin, Katianna Rothstein Olson, and Margaret Zamzow Wenzelman, as well as to retired Illinois State Board of Education staff member Michael Mangan and a lifelong friend, (the late) Joseph Hafenscher, Social Studies Department Chairman and teacher at Willowbrook High School in Villa Park, Illinois, for their insights into the Common Core State Standards and the impact of the standards on school administrators, teachers, and their students. Thanks also go Kent Kirkwood (this commentary stemmed from his invitation to speak on the subject), to Shel Berman for recommending the documentary *Death by China*, Chris Jans for his assistance with the publication, to Nick Infante, editor of *CollegeAthleticsClips*, for posting the four parts of Appendix 1, to Ida Nemeec, Librarian for the Town of Plum Lake for helping secure reference material, and to Stan Cook, Bob Gilbert, Kadie Otto, (the late) John Jacobs, Amy and Robert McCormick, Sr. Dee Peppard, BVM, David Ridpath, Richard Southall, Sonny & Pam Vaccaro, and Sr. Pauline Wittry, FSPA, for their unwavering support of my reform efforts. I am pleased to acknowledge the dedicated efforts of Peg Mangan, a retired secondary school English and Fine Arts director, for her encouragement, suggestions, as well as her critical review and editing of this and many other of my commentaries. Finally, special thanks go to my dear wife Judy for all of her help, but especially for her patience, understanding, and support during my 26-year odyssey on the paths to reform in education and collegiate athletics.

For those who might still be wondering why it is that many Americans appear to value athletics over academics or wonder how our nation continues to manifest a sports-obsessed culture, I heartily recommend reading Tom Farrey's book, *Game On: The All-American Race to Make Champions of Our Children*, (ESPN Books, 2008).

***FutureVectors, Inc.***  
**Mount Prospect, Illinois**



## **NLRB Ruling on Northwestern Athletes: A Teaching Moment**

By Frank G. Splitt, *FutureVectors, Inc.*, 4-13-14

*This commentary is an extension of the author's remarks prompted by news of the National Labor Relations Board ruling on Northwestern athletes that came just after posting of his CLIPS Guest Commentary, "Revisiting 'A Nation Still at Risk'."*

*The action we're taking isn't because of any mistreatment by Northwestern. We love Northwestern. ... We're interested in trying to help all players – at USC, Stanford, Oklahoma State, ...everywhere. It's about protecting them and future generations to come.*

— **Kain Colter**, president of the College Athletes Players Association

**The posting of my commentary**, "Revisiting 'A Nation Still at Risk',"<sup>1</sup> was followed the same day by news, via *InsideHigherEd.com*,<sup>2</sup> of the National Labor Relations Board ruling on Northwestern athletes that was soon followed by news and commentaries by others.<sup>3-5</sup> Peter Sung Ohr, director of the NLRB's Chicago regional office, wrote in his ruling:

*I find that all grant-in-aid scholarship players for the Employer's football team who have not exhausted their playing eligibility are 'employees' under" the National Labor Relations Act, Walk-on players—those without scholarships—do not qualify as employees.*

The ruling cites several factors when it concluded that the scholarship football players at Northwestern are employees: that they perform services for the benefit of their employer, and receive compensation (in the form of a scholarship) in exchange, and that scholarship players are "subject to the employer's control in the performance of their duties as football players."

As could be expected, the NCAA PR machine moved into high gear with its countermeasures. Anti-unionization speakers and writers went out in force as the NCAA began to use all of its abundant political and financial resources to protect its vested monetary interests. At the Final Four of *March Madness*, Mark Emmert, the NCAA president, acknowledged the need for change but said unionization would 'blow up' college sports.

For another example, see the *Wall Street Journal* opinion piece, "Why Unionizing College Sports Is a Bad Call,"<sup>6</sup> The op-ed contains no less than 20 references to the term "student-athletes," that relates to the cartel's false claim that college athletes are first and foremost students—a dead giveaway that the op-ed emanated from the NCAA's PR department for "authorship" by Lou Anna Simon, president of Michigan State University and chairwoman of the NCAA executive committee, and Nathan Hatch, president of Wake Forest University and chairman of the NCAA Division I board of directors. The "authors" claim that change can be achieved at the NCAA without turning student-athletes into employees.

*March Madness* also highlighted the "student-athlete" in one of the major debates facing NCAA basketball. In a *PBS Newshour* Program Segment: "Is 'student-athlete' a misnomer?" Jeffrey Brown solicited perspectives on college athletes and the NCAA's amateur model from Patrick Harker, president of the University of Delaware, and Kevin Blackstone of the University of Maryland. An underlying question was: How should colleges address conflicts between academics, athletics and money?

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*This commentary was published by FutureVectors, Inc. for distribution at the 7th Annual CSRI Scholarly Conference on College Sport sponsored by the University of South Carolina College Sport Research Institute and to be held April 23-25, 2014 on the campus of the University of South Carolina, Columbia, South Carolina.*

Blackstone proved to be very knowledgeable and expressive regarding the issues surrounding big-time college athletics while Dr. Harker, well-positioned to parrot the NCAA cartel's party line on "student-athletes," did so in an exceptionally dignified manner. For more, a link to the podcast of the program segment along with the transcript, my and other comments, as well as related links is available.<sup>7</sup>

There should be no surprises in any of the above or in Dr. Harker's remarks that supported the views of NCAA President Mark Emmert as reported by Brad Wolverton in the *Chronicle of Higher Education*<sup>8</sup> as well as by Ben Cohen and Rachel Bachman in the *Wall Street Journal*.<sup>9</sup> In my posted and published comments on these reports I wrote:

*Northwestern athletes' bid for unionization will face powerful opponents that will do their utmost to prevent unionization.*

*To begin, the unionization of college athletes isn't about Northwestern University per se. It's about the NCAA cartel of which Northwestern is but one of its many member institutions, and a private one at that.*

*The salient outcome of the NLRB ruling is exposure of the NCAA's false claim that big-time college athletes are amateurs. Simply stated, the intense professional level of practice and play required of these athletes to make the very best of them ready for the NFL or NBA leaves little time to study and renders them so tired that they miss classes or fall asleep during classes they do attend.*

*Nonetheless, Northwestern's head football coach Pat Fitzgerald has sided with his university against the formation of a players' union, repeating what he already told his players and their parents in a letter before addressing the team in person, "I believe it's in their best interests to vote no."*

*As the highest paid employee of the university, it's also in Fitzgerald's best interests to secure a no vote. He is well positioned to do just that since he is a father figure to many of his players and the university official with the most face time with the players.*

*Fitzgerald, is not only siding with Northwestern, but he is also siding with the NCAA cartel that will spare no resource or expense to kill the unionization of Northwestern athletes no matter how just their cause.*

*Coach Fitzgerald's personal persuasion capacity, Northwestern's appeal of the ruling, and NCAA President Mark Emmert's public blast of the union idea, are only a few of the many countermeasures that will be launched against any and all efforts to unionize college athletes.*

*As in Watergate, one only needs to follow the money to see whose ox will be gored by the unionization of college athletes.*

*The cartel's college and university officials will be lobbying their congressmen as well as state and other government officials with claims of financial doom and gloom (not unlike claims made when there were threats to their tax-exempt status and to a favorable ruling on Unrelated Business Income Tax).*

*The NFL and NBA will be working behind the scenes to protect their no-cost pipeline of ready-to-play professional talent.*

*Only time will tell if the unionization effort can survive the countermeasures used to protect the ocean of money flowing to the NCAA cartel and others that benefit from the exploitation of college athletes.*

The reader's attention is called to Barry Rozner's article, "NCAA will help athletes only if ordered."<sup>10</sup> Rozner keys in on the time factor mentioned in the above comment—the fact that athletes in big-time programs have little if any time to be a real student...a fact critical to the argument that these athletes are employees.

In posted comments on the *PBS Newshour* program segment, I wrote:

*At first glance, the idea that Northwestern athletes could be considered as employees that could vote to be unionized seems absurd. However, today's multi-billion dollar, college sports entertainment business should merits a closer look. Let me explain.*

*Officials at the NCAA and its member institutions (a.k.a. the NCAA cartel) find themselves in a dilemma, betwixt and between two options: (1) Academics first and foremost, provide college athletes sufficient time to pursue a quality college education in the field of their choice, and (2) Athletics first and foremost, provide college athletes with the time needed to satisfy the requirements of their athletic scholarship as well as meet the explicit and implicit demands of their coaches so as to develop the athletic skills requisite to maintaining their scholarship.*

*In view of highly competitive nature of big-time (revenue-generating) football and men's basketball programs, these options are, for the most part, mutually exclusive. NCAA cartel officials have really never paid much attention to the old adage, "You can't have it both ways."*

*As of late, attention has been almost totally focused on sharing revenue with the athletes. However, the salient outcome of the recent NLRB ruling, giving Northwestern football players approval to unionize, was the exposure of the NCAA's false claim that big-time college athletes are amateurs -- first and foremost students.*

*All things considered, perhaps the unionization effort isn't the best way to expose the cartel's "big lie." Nevertheless, the NLRB ruling provided an illuminating teaching moment as will Ed O'Bannon's class-action lawsuit against the NCAA*

*Simply stated, the intense professional level of practice and play required of these athletes to make the very best of them ready for the NFL or NBA leaves little time to study and renders them so tired that they miss classes or tend to fall asleep during classes they do attend.*

*Time is of the essence. For the most part, scholarship athletes are not given the time to obtain a real quality education. In effect these athletes are not really the students that the NCAA cartel leads the general public, government and judicial officials, as well as alumni to believe.*

For more on the “big lie” mentioned in the above comment, see Jon Ericson’s Afterword in Splitt.<sup>11</sup>

The unionization effort, courageously led by Ramogi Huma, president of the National College Players Association, and by Kain Colter, president of the College Athletes Players Association and a former Northwestern quarterback, complements Ed O’Bannon’s class-action lawsuit against the NCAA. O’Bannon is one of several plaintiffs in the suit driven by Sonny Vaccaro. It was initially filed in 2009 and is now going to trial on June 9, 2014.<sup>12</sup> The trial is destined to provide another teaching moment regarding the exploitation of college athletes by the highly commercialized college sports entertainment industry.

*Frank G. Splitt holds a Ph.D. in Electrical and Computer Engineering (1963) from Northwestern University where he served as the McCormick Faculty Fellow of Telecommunications at the McCormick School of Engineering and Applied Science (1993-2005). He is a member of The Drake Group, a member of the College Sport Research Institute’s Advisory Committee, University of South Carolina, and was the Vice President Emeritus of Educational and Environmental Initiatives for NTI, the U.S. subsidiary of Nortel Networks, formerly known as Northern Telecom Limited. He was the recipient of The Drake Group’s 2006 Robert Maynard Hutchins Award. A Bio, CV, and listing of links to his essays and commentaries on college sports reform can be found at <http://thedrakegroup.org/authors/splitt>*

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# **School Wars 2014: Conflicts over K-12 Education Technology, CCSS, and VAM**

By Frank G. Splitt, *FutureVectors, Inc.*, 5-30-14

*This commentary is an updated extension of the author's remarks that were prompted by the widespread criticism leveled at Common Core State Standards and Value Added Measures that have continued after posting of his CLIPS Guest Commentary, "Revisiting 'A Nation Still at Risk'."*

*"Corporate reform" is not reform at all. Instead, it is the systematic destruction of the foundational American institution of public education. The primary motivation behind this destruction is greed. Public education is worth almost a trillion dollars a year.<sup>1</sup>*

— **Mercedes K. Schneider**

**The posting** of the commentary "Revisiting 'A Nation Still at Risk' "<sup>2</sup> was soon followed by the higher education related commentary "NLRB Ruling on Northwestern Athletes: A Teaching Moment."<sup>3</sup> This commentary is focused on aspects of K-12 education that have the potential to kill public education in America. Chief among these is over-commercialization.

K-12 education is currently characterized by a technology push in response to a contrived market pull that is based on ever increasing commercialization and monetizing of the K-12 education enterprise. The situation is somewhat akin to the commercialization of college sports that led to the warping of the academic missions of schools supporting big-time football and men's basketball programs .... schools that have become academically adrift in a sea of sports.<sup>4</sup>

Commercialization of K-12 education has been aided and abetted by the U.S. Department of Education's (USDOE's) ill-advised No Child Left Behind (NCLB) and Race to the Top (RTT) programs as well as by the beleaguered Common Core State Standards (CCSS) and the discredited Value Added Measure (VAM). These programs have not only fueled the growth of the market for education technology, but have also fueled resistance to these "market expanders" by experienced educators and educational historians. The end results are school wars with related conflicts over K-12 Education Technology, the CCSS, and the VAM.

From all appearances President Obama, Education Secretary Duncan, and the USDOE are vociferous cheerleaders for the commercialization of K-12 education ....commercialization that threatens the death of public education and the destruction of the teaching profession in America. Secretary Duncan claims that CCSS is state-driven, but it isn't. CCSS supporters say it's rigorous and college ready when in fact CCSS is a heavy-handed federal effort to impose an untried, untested and unproven set of standards on teachers and students. The situation is aptly portrayed by the Jerry Hobert cartoon shown on the following page.

***The un-checked expansion of be-all-end-all, education technology in K-12 is a good example of the destructive power of too much of a good thing.***

The above considerations prompted the appended E-mail messages to the USDOE, the first of which was sent to Education Secretary Arne Duncan.

Ed Berger's open letter to President and Mrs. Obama,<sup>5</sup> (discussed in Appendix 4), provided a stark reminder of the disappointing non-response to the Drake Group's letters to President Obama and his administration.<sup>6</sup> These letters,

sent in 2009 to no avail, sought help in addressing the negative impact of athletics on schools of higher education that supported big-time football and men's basketball programs.



### THE COMMON CORE

Jerry Holbert, *Daily Herald*, May 17, 2014

The downsides to CCSS and VAM programs are usually not mentioned in sales and marketing pitches that hype education in Science, Technology, Engineering and Mathematics, the so-called STEM subjects.<sup>7</sup> Nonetheless, I was still somewhat surprised to see the *Daily Herald* Guest View “New learning standards key to skilled workforce,”<sup>8</sup> by Sandra Westlund-Deenihan, CEO of a local manufacturer. It casts the CCSS as the best thing since sliced bread with nary a word about how the standards were really baked and how they are administered. A cynical reader could see it as part of a national, USDOE-backed countermeasure to offset the rising tide of critical opposition by esteemed educators to both the standards and the Value Added Measure used to assess teachers. My posted comment on the Guest View follows.

#### **There's Much More to the Common Core Story**

As a matter of fact, Senator Chuck Grassley (R, IA) is concerned with an aspect of the Common Core State Standards (CCSS) and K-12 education that also involves big-money and corporate interests. He has sent a letter to the leaders of the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee asking that they include language in their next appropriations bill to block the further use of any funding from the U.S. Department of Education that employs incentives or otherwise coerces states into adopting and retaining CCSS. See Valerie Strauss' March 23, 2014, *Washington Post* blog.<sup>9</sup>

What's all this fuss about CCSS? Reading Strauss' blog will give part of the answer.

A much more detailed answer can be obtained from the following: During a recent Dave Letterman program, comedian Louis C.K. made the same points that a lot of educators have made about Common Core. Some Common Core supporters were upset with C.K. for saying what he said. Alexander Nazaryan, a senior writer at *Newsweek*, took C.K. to task.

Subsequently, Nazaryan asked education historian Diane Ravitch, author of the book *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools* and the leader of the growing anti-corporate school reform movement, to provide a substantive critique of what he wrote. She did, posting it on her blog site. It was re-posted by the *Washington Post's* Valerie Strauss on May 3, 2014.<sup>10</sup> Comments as well as links to relevant background material at the referenced site.

My posted untitled comment on Strauss' article read as follows:

Alexander Nazaryan is a talented editor and gifted writer. President Barack Obama and Education Secretary Arne Duncan are also talented and gifted with great hoops abilities. All are well meaning with much in common beyond being talented and gifted, to wit: None are experienced educators, they all have bully pulpits, i.e., positions that provide opportunities to speak out on subjects they may know little about, and all have been duped by the Education Technology Industry---buying into a shoddy bill of goods via the industry's high-powered marketing strategy.

The strategy aims to commercialize K-12 education to not only create a national, highly-profitable, marketplace for the industry's products and services, but to also surreptitiously replace teachers with technology to ostensibly improve test scores and minimize costs and union issues. This required a heavy investment to set national standards for learning and testing that was provided by the Gates Foundation among others to render the Common Core State Standards (CCSS) and Value Added Measures (VAMs) that are used to evaluate teachers. Unfortunately, CCSS and VAMs reflect an old management adage: If you can't measure it, you can't manage it. The adage is flawed in the sense that it is misapplied if used to test students as opposed to parts and systems.

Lacking in the rollout was adherence to a rigorous standards-setting process, input from classroom teachers, extensive field testing to identify problems, and support for teachers whose jobs will depend on high-stakes testing.

The unchecked expansion of be-all-end-all, K-12 education technology is a good example of the destructive power of too much of a good thing. Computers and the like will never be a substitute for a caring teacher no matter how great the technology and no matter how immediate the access to digital libraries. Students are human beings, not automatons.

America's overall health and well being is dependent on educational leadership that can help render an educated and skilled citizenry---human capital with plenty of STEAM (Science, Technology, Engineering, Arts, and Mathematics) in the mix.

Note, the above comment was based in part on an earlier, yet to be published, letter headlined "Common Core and Value Added Measures: The Gates Factor;" see Appendix 5. Also included in my posted comment was a statement on Diane Ravitch's May 4, blog, "This Is What Is Wrong with American Education."<sup>11</sup> To wit: Ravitch makes the point that no high-performing nation in the world chooses educational leaders who have no professional education experience. Her point provides a neat segue to my recent messages to the U.S. Department of Education that are documented as appendices in "School Wars" (referenced in the comment).

And if that's not enough to give one pause about America's educational leadership that supports the commercialization of K-12 education via the widespread deployment of K-12 educational technology, Devra Davis, president and founder of the Environmental Health Trust and an ally in my environmental and education reform efforts in years past, believes there's no debate the technology has transformed the world, often for the better, but that we are really in danger of compromising critical windows of development for young people, as well as degrading the nature of public discourse. She sent an open letter to the president about the negative impact of wireless technology on young school children<sup>12</sup> saying:

The notion that the fast developing brains of children benefit from digital devices flies in the face of what experts in neurodevelopment understand. Your pledge to put wireless in all schools for children from pre-K on does not rest on any proof that such technology is safe or that children actually learn better using such technology.

Davis' letter provides still another example of the destructive power of too much of a good thing. Unfortunately, the Obama administration consistently displays ignorance of the unintended consequences of its actions to commercialize K-12 education in America by forcing educational technology as a be-all-end-all solution to its manifest problems. Worse yet, President Obama and Education Secretary Duncan appear to be ignoring information from experts that could change their wrong-headed thinking.

One would think that basketball-loving President Obama and Education Secretary Duncan would be spurred to action to help resolve K-12 education issues after their failed look-the-other-way approach to the issues surrounding higher education's college sports—embarrassed beyond words when reading explosive headline stories about

wrong-doing in this domain, for example, see Bogdanich<sup>13</sup> and Barrett.<sup>14</sup> They should also be embarrassed by the fact that Kevin Colter, a former Northwestern QB and recent graduate, did what they refused to do: courageously address the truth behind the NCAA's false claim that college athletes are students first.

We can only hope that the president and the education secretary will wake up to the fact that the expansion of K-12 Education Technology via CCSS and VAM initiatives is destroying America's public school system along with the teaching profession.

Nevertheless, based on my personal experiences with government officials and the USDOE, I don't expect much, if any, action to come from either President Obama or Education Secretary Duncan as a result of the Berger and Davis letters or my series of messages recommending much-needed action that would prevent the death of public education and the destruction of the teaching profession. But you really never know.

It would be really encouraging to see a glimmer of hope, for instance USDOE invitations to experienced educators and education historians to meet to form action plans to counteract wrong decisions and the damage already incurred by CCSS, VAM, and the over-commercialization of K-12 education.

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## APPENDIX 1 – April 6, 2014, E-mail, Frank Splitt to Arne Duncan, “K-12 Education: Two Letters and Related Comments”

Mr. Arne Duncan, Secretary  
U.S. Department of Education (USDOE)

Dear Mr. Secretary

After spending a considerable amount of time keeping up on education issues in the media as well as reading books by Diane Ravitch, Myron Lieberman, Barbara Gaddy, Taylor Mali, Glen Harlan Reynolds, and others, I wrote the appended letters that relate to the current national K-12 school wars. The letters and the following remarks should be of more than passing interest to you and your colleagues at the USDOE.

I believe what's needed today is a USDOE plan of action to not only correct the problems with the substance and implementation of the Common Core State Standards (CCSS), but to also stem the tide of corporate takeovers of K-12 education via charters and privatization. Let me elaborate.

Blogs by active and retired teachers at Diane Ravitch's website (<http://dianeravitch.net/>), and her comments on Bill Moyers' program, "Public Schools for Sale," at ([http://billmoyers.com/episode/public-schools-for-sale/#disqus\\_thread](http://billmoyers.com/episode/public-schools-for-sale/#disqus_thread)), reveal a mind-boggling litany of complaints about the problems with Common Core, high-stakes-testing, vouchers, and charters.

I have seen no recommended positive-oriented, we-can-do-better plan of action by the USDOE to correct these problems. Put another way, I have yet to see the USDOE attempt to address the manifest problems embedded in the aforementioned complaints with an approach to the problems that would provide a structured, positive-oriented vehicle leading to a proper education standards-setting process, for example, as recommended by the American National Standards Institute (ANSI, [www.ansi.org/](http://www.ansi.org/)).

Rather than correct the problems with CCSS, President Obama is apparently doubling down on a bad CCSS bet. According to the CATO Institute's, Neal McCluskey, in his March 5, 2014, article titled "Common Core End Game":

*The big story in (President Obama's budget) proposal is – or, at least, should be – that the president almost certainly wants to make the Core permanent by attaching annual federal funding to its use, and to performance on related tests. Just as the administration called for in its 2010 NCLB reauthorization proposal, POTUS wants to employ more than a one-time program, or temporary waivers, to impose “college and career-ready standards,” which—thanks to RTTT and waivers—is essentially synonymous with Common Core. In fact, President Obama proposes changing Title I of the Elementary and Secondary Education Act – of which NCLB is just the most recent reauthorization – to a program called “College- and Career-Ready Students,” with an annual appropriation of over \$14 billion.*

What is President Obama thinking?

Title 1, a key part of the original 1965 Elementary and Secondary Education Act, was intended to distribute federal aid to schools that enroll poor kids in accordance with a funding formula tied to need with no conditions attached. It was not intended as a competition. Using it to cement CCSS into every school would be a travesty and a misuse of federal power. These poor children are in need of equitable resources more than they need the currently flawed and untested CCSS.

Finally, the opposing sides in today's school wars appear to suffer from incurable cases of confirmation bias, the well-known tendency of people to favor information that confirms their beliefs, or, for these people to overlook/ignore information that conflicts with their beliefs, or, intentionally misinterpret/distort information to convince others that the information confirms their beliefs.

My sad conclusion is that, unless and until the DOE begins to understand what's really going on in the K-12 trenches and unless and until both sides compromise via comity, the school wars will likely continue with an atmosphere that is poisoned by political polarization and pejorative, zero-sum-game rhetoric. For more, see "Revisiting 'A Nation Still at Risk'" at (<http://collegeathleticsclips.com/news/revisitinganationstillatrisk.html>).

Respectfully yours,

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University  
Evanston, Illinois  
[thedrakegroup.org/authors/splitt](http://thedrakegroup.org/authors/splitt)

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**Two Letters in the *Daily Herald*, appended to the April 6, 2014, Email to Arne Duncan**

**Comity needed to fix education problems**

Article posted: 4/5/2014 at <http://www.dailyherald.com/article/20140405/discuss/140409103/>

Richard Cohen's March 19 column, "No need to vilify the wealthy who fund these schools," was a re-titled syndicated copy of his March 17 *Washington Post* op-ed, "Illogical hostility toward charter schools." A review of the op-ed and the comments on the related *Post* website indicate that Cohen is not familiar with the complex issues surrounding today's school wars as well as with Diane Ravitch's book, *Reign of Error: The Hoax of the Privatization Movement and the Danger to Public Schools*.

One of the many dangers referred to in the subtitle of Ravitch's book was aptly described in an editorial cartoon by Robert Ariail that appeared alongside the *Daily Herald* op-ed -- picturing the dismantling of a public school via vouchers to build a new private school. Of course that's not the whole story; not shown is the atmosphere that is poisoned by political polarization and pejorative, zero-sum-game rhetoric.

Comity, that basic recognition of differences in values and interests and of the desirability of reconciling those differences peacefully is sorely needed in today's rancorous school wars with their ongoing battles over Common Core Standards, charter schools, privatization and more. Positive contributions aimed at fixing problems with the standards and their implementation would go a long way toward satisfying this need—so too would ending union-bashing as well as the vilification of the corporations, foundations and wealthy individuals supporting school choice.

The U.S. Department of Education really needs help via a heavy dose of constructive criticism. We can only hope that our nation's teachers, with guidance from educational leaders such as Ravitch, can rise to the occasion and help resolve issues related to school choice and privatization as well as provide requisite corrective action on the manifest problems besetting the Common Core and its ill-advised implementation plan.

Frank G. Splitt  
Mount Prospect

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**Test scores don't tell the whole story**

Article posted: 12/11/2013 at <http://www.dailyherald.com/article/20131211/discuss/712119965/>

The modest gains revealed by the Nov. 7 release of this year's National Assessment of Educational Progress (NAEP) indicate that the current test-based, austerity-driven education environment promoted by the Obama administration not only has failed to provide the support that all children, and especially poor children, need to reach their full potential, but also failed to provide requisite support for teachers who are often relatively low paid, not treated as professionals, and effectively forced to raise test scores by teaching to the test. As a consequence, we are losing good teachers.

On the latter point, a must read for current and future K-12 administrators as well as for concerned parents, state and Department of Education officials, is the Oct. 18 Atlantic Monthly magazine story, "Why Do Teachers Quit? -- And Why Do They Stay?" by Liz Riggs.

The views on NAEP test-scores by the highly regarded education historian Diane Ravitch can be found on her blog titled "NAEP Nonsense: Don't Believe the Hype" and in her recent book *Reign of Error*.

The stealthlike takeover approach to the commercialization of public education in America is somewhat akin to that used by the National Collegiate Athletic Association (NCAA) to commercialize big-time collegiate athletics.

In any case, the nation is still at risk with its future socioeconomic well-being in dire jeopardy. Hyperpartisanship and government dysfunction looms large in Washington while the American public is distracted from K-12 and postsecondary education issues by the circuses orchestrated by NCAA ringmasters.

Frank G. Splitt  
Mount Prospect

#### **APPENDIX 2 – April 9, 2014, E-mail, Luz Curet to Frank Splitt, “Re: Response to your communication to Secretary of Education Arne Duncan”**

The USDOE response came from Luz N. Curet, Team Lead, Management & Program Analyst Control Correspondence Unit, Executive Office of Elementary and Secondary Education (OESE). The OESE stated mission is to: Promote academic excellence, enhance educational opportunities and equity for all of America's children and families, and improve the quality of teaching and learning by providing leadership, technical assistance and financial support. The response read as follows:

Dear Mr. Splitt:

Thank you for your email to Secretary Arne Duncan regarding the Common Core standards. Your email has been referred to the Office of Elementary and Secondary Education for review and I am pleased to respond.

I have read your concerns about the Common Core standards and appreciate the time and thought you have put into them. We believe that Common Core State Standards have the capacity to change education. We believe that we supported states and districts in broadening educational opportunity for our students. The Common Core standards developed by the states, coupled with the new generation of assessments, will help put an end to the insidious practice of establishing 50 different goalposts for educational success. In the years ahead, a child in Mississippi will be measured against the same standard of success as a child in Massachusetts. Our children deserve that—and to remain competitive, our country does too. Secretary Duncan likes to include all groups into the on-going conversation on this topic, especially if a group hasn't been well reached. His support for the state-led Common Core standards initiative is on the basis of better preparing all of America's students for success.

While the Secretary supports the adoption of a set of common standards, the U.S. Department of Education does not have the authority to determine the curriculum set by states. The Common Core State Standards Initiative that you mention is a state-led effort coordinated by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO). The Department does not have the authority to determine state or local education policies or practices, unless these matters are specifically required in federal education statutes. Indeed, because education is primarily the responsibility of the state and local governments, the Department is specifically prohibited by law from exercising any direction, supervision, or control over such matters as curriculum, the teaching of particular subjects, and graduation requirements, local administration and personnel issues, and allocation of state or local resources. Please continue working with State and local officials for they are in the best position to assist with the effort.

Your views are important to us. The Secretary is committed to improve communication between stakeholders engaged in our students' education, including students, parents, teachers, administrators, and others. He focuses national attention on major educational issues that affect our schools.

Thank you for your commitment to public education.

Sincerely,

Luz N. Curet

**APPENDIX 3 – April 16, 2014, E-mail, Frank Splitt to Luz Curet (copy to Arne Duncan), “Re: K-12 Education: Two Letters and Related Comments (2nd follow-up comment)”**

Since the above response did not address the concerns outlined in my e-mail message of April 6, I sent additional comments on April 16 and April 19 as follows:

Dear Luz:

I do appreciate receiving a response to my e-mail message of April 6 to Secretary Duncan. However I was most disappointed in the fact that the response did not address my point: "What's needed today is a DOE plan of action to not only correct the problems with the substance and implementation of the Common Core State Standards (CCSS), but to also stem the tide of corporate takeovers of K-12 education via charters and privatization."

It seems that Secretary Duncan insists on riding on with CCSS and Value Added Measures (VAMs) -- dogs that just won't hunt.

He and his staffers act as if they are unaware of the continued negative reaction to both CCSS and VAMs. In the interest of brevity, I will refer you to:

- o The appended excerpt from Peggy Noonan's April 12, *Wall Street Journal* op-ed, "Jeb, the Ambivalent Bush"
- o The report titled "Non-Cognitive Ability, Test Scores, and Teacher Quality: Evidence from 9th Grade Teachers in North Carolina" by Northwestern University Professor Kirabo Jackson, at (<http://www.ipr.northwestern.edu/publications/papers/2012/ipr-wp-12-18.html>). Jackson's calculations indicate that teacher effects based on test scores alone fail to identify many excellent teachers, and may greatly understate the importance of teachers on adult outcomes -- so much for VAM.

The courtesy of a reply that addresses the above would be very much appreciated.

Respectfully yours,

Frank G. Splitt

**APPENDIX 4 – April 19, 2014, E-mail message, Frank Splitt to Luz Curet (copy to Arne Duncan), “Re: K-12 Education: Two Letters and Related Comments (2nd follow-up comment)”**

Further to the above, a Chicago area parent was recently quoted as saying, "I don't think we need to buy iPads at the expense of teachers or higher class sizes" and "having the best teachers is more important than having the most toys" [*Daily Herald*, "District 220 parents have plenty to say about class sizes," April 15, <http://www.dailyherald.com/article/20140415/news/140419066/>].

The comment was spot on. Computers, iPads, and the like will never be a substitute for a caring teacher no matter how great the technology and no matter how immediate the access to comprehensive digital libraries.

Unfortunately, it appears that Secretary Duncan and the USDOE have been sold a shoddy bill of goods by tech hardware and software companies working to expand markets and profits via a corporate takeover of K-12 education.

Also, school boards at both the state and local levels, along with administrators, are often bamboozled by high-powered, technical marketing types into thinking that education technology is the answer to the vast array of problems faced by school districts. As originally conceived, education technology was to be the source of useful supplemental products for a teacher's tool kit, to be applied to appropriate learning situations. The unchecked expansion of be-all-end-all, education technology in K-12 is a good example of the destructive power of too much of a good thing.

The consequent over commercialization of America's K-12 education system is not unlike the over commercialization of big-time college sports that is now being vigorously fought in the courts by current and former college athletes, see notes [1, 2]. Two open letters to the president and his administration that requested help in restoring academic primacy in higher education that was displaced by athletic primacy fueled by over commercialization.[3] The total silence engendered by these open letters was deafening.

Further to the CCSS and VAM struggles, my attention was called to a March 31, 2014, open letter to President and Mrs. Barack Obama by Edward Berger. Berger, an experienced educator, writes about his "extreme concerns about the American Public Education System being altered and changed." He writes in part:

*Sadly, strengthened by your administration, an unproven and false use of testing replaced the tests used by educators to understand student needs and to teach effectively. Data generated by wrong and unproven means is causing great harm to students and teachers throughout America. The only known beneficiaries of this drive for data are the corporations creating the tests, and the egos of billionaires who use their wealth to force their "hunches" on our schools. Your administration supports those who can buy access to schools and thus children's minds. Your administration accepts the whims of billionaires who have no certification, little or no contact with professional educators, no concept of the history of American education and how education is delivered, and most devastating, they have very little concern for our children. Almost all send their children to separate schools that do not follow the rules your administration is instigating." ....*

*In your administration, the USDOE is responsible for the extreme and poorly thought-out ideologies about data. They have sold out to the profiteers. The DOE has supported the idea that corporations that profit from federal mandates (direct or indirect like RTT), should reform our great American education system. That people with wealth, but little knowledge of education, never vetted, elected, or certified, can devise systems that evaluate educators with student test scores. That experts and those who have done the hard work and learned on the job, are ignored and labeled crybabies. That groups that represent teachers are the enemy. That all kids should be standardized and educated by a cookie-cutter shaped by an unproven and inadequate common core that limits or replaces the teaching of the essential skills.*

Dr. Berger's letter can be accessed at <http://edwardfberger.com/> Hopefully, Dr. Berger's letter re: K-12 education will fare better than the two open letters to the president that requested help in restoring academic primacy in higher education. His letter deserves a thoughtful response as do these messages.

Perhaps Dr. Berger's letter will kindle much-needed action that could begin with USDOE invitations to experienced educators and education historians to meet to form action plans to counteract wrong decisions and the damage already incurred by CCSS and VAM. America can do better.

Respectfully,

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University, Evanston, IL

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[http://drakegroupblog.files.wordpress.com/2013/03/splitt\\_obama2013.pdf](http://drakegroupblog.files.wordpress.com/2013/03/splitt_obama2013.pdf)

4. An Excerpt from Peggy Noonan's April 12, *Wall Street Journal* op-ed, "Jeb, the Ambivalent Bush," Re: Splitt April 16, 2014 E-mail to Luz Curet

*Jeb Bush's real problem, and not just with members of the tea party, is his early and declared support for the Common Core national school curriculum. He decided to back federal standards for what should be taught in the public schools at the exact moment the base of the Republican Party had had it up to here with federal anything.*

*A year ago I attended a meeting in which Jeb spoke of his support for the core to conservative education policy intellectuals. When told the subject of the meeting, I was confused: He's for Common Core or against it? For it? Really? In what abstract universe are conservative intellectuals operating? Federal standards for what should be taught in the classroom would immediately be received with skepticism by parents who, year after year now, have seen their children turned into test-taking monkeys.*

*They are taught to the test, and the tests seem to exist so that school systems can claim achievement. What used to be called the joy of learning gets crowded out. Moreover, some parents, maybe a lot, would assume any new education scheme would be administered by the education establishment, meaning a lot of Lois Lerner—apparatchiks, ideologues, politicians. Federal programs like Race to the Top and No Child Left Behind always mean well, but maybe the answer to our education woes won't come from the federal level.*

*Parenthetically I note that conversations with public-school teachers the past few years have reminded me how lucky I was, in high school in the 1960s, not to be surrounded by people who insisted I excel. They let us choose our own speed. I don't remember being hounded by tests, which was lucky because I didn't do my homework or test well. But I felt free to spend all my time reading good books and pondering things. I didn't always attend school, but I did experience the joy of learning. The indifference of the educational establishment was a great gift to me. It allowed me to get an education.*

*At any rate, there is surely a growing sense that if you want standards, you should establish them locally, with local groups fighting out whether more attention should be given to Thomas Jefferson than Samuel Gompers. No state wants stupid students. No parents want dumb kids. It will work itself out—awkwardly and imperfectly, like life.*

## **APPENDIX 5 – Letter to the Editor submitted to the *Daily Herald* on April 28, 2014**

### **Common Core and Value Added Measure: The Gates' Factor**

Heidi Reich, a courageous New York public-school teacher expressed her views on the Common Core State Standards (CCSS) and high-stakes testing in a letter that was recently published in the *New York Times*. Reich's truth-telling letter exposed serious problems with CCSS and her state's failure to provide support for teachers whose jobs will depend on high-stakes testing. What's going on here?

To begin, Bill Gates, of Microsoft fame and fortune, has a near obsession with testing based on an old management adage: If you can't measure it, you can't manage it. The adage is flawed in the sense that it is not really applicable to the measurement of teacher performance. Nonetheless, the Gates Foundation provided enormous financial backing for the development of the beleaguered CCSS and the discredited Value Added Measure (VAM) that are used to evaluate teachers via student test scores.

It should come as no surprise that CCSS and the VAM are simply manifestations of Gates' thinking. It's part of a grand strategy to profit from the widespread commercialization of K-12 education. Unfortunately, this commercialization comes with horrific unintended consequences---the death of both the teaching profession and public schools.

The un-checked expansion of be-all-end-all, K-12 Education Technology is a good example of the destructive power of too much of a good thing. Computers, iPads, and the like will never be a substitute for a caring teacher no matter how great the technology and no matter how immediate the access to massive arrays of digital libraries. Students are human beings, not automatons.

America's overall health and well being is dependent on educational leadership that can help render an educated and skilled citizenry---human capital with plenty of STEAM (Science, Technology, Engineering, Arts, and Mathematics) in the mix.

Frank G. Splitt  
Mt. Prospect

**ACKNOWLEDGEMENTS** – My appreciation and thanks go to primary-grade teachers Holly Rothstein Balk, Sarah Dexter, Chelsea Gabzdyl, Barbara Anderlik Griffin, Katianne Rothstein Olson, Margaret Zamzow Wenzelman, and Seth Wenzelman, to secondary-grade teachers Julia Mullikin and Kerry Robinson, as well as to retired Illinois State Board of Education staff member Michael Mangan and a lifelong friend, (the late) Joseph Hafenscher, Social Studies Department Chairman and teacher at Willowbrook High School in Villa Park, Illinois, for their insights into the Common Core State Standards and the impact of the standards on school administrators, teachers, and their students. Thanks also go Kent Kirkwood (this commentary stemmed from his invitation to speak on the subject), to Shel Berman for recommending the documentary *Death by China*, Chris Jans for his assistance with the publication, to Nick Infante, editor of *CollegeAthleticsClips*, for posting the commentary, to Ida Nemece, Librarian for the Town of Plum Lake for helping secure reference material, and to Stan Cook, Bob Gilbert, Louise Hagen Gitter, (the late) John Jacobs, John Nowicki, Kadie Otto, Sr. Dee Peppard, BVM, and Sr. Pauline Wittry, FSPA, for their unwavering support of my reform efforts. I am pleased to acknowledge the dedicated efforts of Peg Mangan, a retired secondary school English and Fine Arts director, for her encouragement, suggestions, as well as her critical review and editing of this and many other of my commentaries. Finally, special thanks go to my dear wife Judy, a former primary-grade teacher, for all of her help, but especially for her patience, understanding, and support during my 26-year odyssey on the paths to reform in education and collegiate athletics.

***FutureVectors, Inc.***  
**Mount Prospect, Illinois**

# School Wars and Scandals: A Crisis of Leadership

By Frank G. Splitt, *FutureVectors, Inc.*, 6-4-14

*The author provides another extension to his Clips commentary “School Wars 2014” with an appeal for corrective action for the problems brought on by the commercialization of K-12 education in America and a crisis in leadership.*

*At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher.—Abraham Lincoln*

America's overall health and well being is dependent on educational leadership that can help render an educated and skilled citizenry—human capital with plenty of STEAM (Science, Technology, Engineering, Arts, and Mathematics) in the mix. So I wrote in “School Wars 2014.”[1]

Then came the eye-opening Peggy Noonan epigraph to her *Wall Street Journal* opinion piece, "The VA Scandal Is a Crisis of Leadership." It read as follows: “Shinseki is gone, but Obama's inattention to managing the government remains.”[2] It applies equally as well to the school wars and scandals of today.

Noonan wrote:

“There is another management and accountability question here. It appears that part of the VA story is that local managers and administrators were given bonuses and the prospect of promotions for reducing wait times—so they falsified the records. What was meant to be an incentive to productivity became an incentive to lie.

Have we seen this before? Yes. The VA scandal is starting to look like the public school scandals in which administrators fudge test scores to get more money for themselves and their schools. Higher test scores equal more money and a chance to advance professionally. So they claim higher scores.

The question a good executive in either system would ask right now is: Do such incentives make things better or worse? Do they encourage real improvement or gaming the system?

When you look at public school systems you often see a surprisingly large number of bureaucrats and fewer than expected actual teachers. Is something like that true at the VA? Are there too many clerks filing fraudulent forms and not enough doctors, nurses, aides and examination rooms? If so, why? What steps should be taken to turn this around.”

And that’s not the only threat to America's public-schools and the teaching profession. Conflicts abound over K-12 Education Technology, Common Core State Standards (CCSS), and the Value Added Measure (VAM) used to assess teacher performance.

Threats come from non-educators such as wealthy donors and technology company officials who have bamboozled naïve elected officials and appointees who use K-12 education domain for political gain and glory. Most of these non-educators appear to be concerned about almost anything other than a positive intellectual and moral impact on the lives of K-12 students. They exude confidence based on be-all-end-all technical solutions for learning and testing products. These products are the key to the development of a commercialized K-12 education market that offers a seductive promise to minimize the need for credentialed and experienced teachers.

The school scandals involve not only cheating on test scores, but charges of manipulation and falsification at charter school records.[3] Just as Noonan reported on the VA, there are whistle-blowers with allegations of local cover-ups—money-making rackets and remarkably high compensation for administrators

Like the VA scandal, school scandals won't go away as others have, because the American public is united in this thought: We care about our children. They have every right to expect a good education. Paraphrasing Noonan, everyone in America knows what it's like to go to a bureaucracy when you're in need and get jerked around and



ignored. Just ask *Troy LaRaviere, the principal of Chicago Public School (CPS) Blaine Elementary.*[4] Or ask the parents of the **50 Chicago public schools closed by Mayor Rahm Emanuel's Board of Education.**[5]

In a 2011, interview on *NPR*, Diane Ravitch, educational historian, author, and leader of the fight against forces aligned against America's public schools, said: "We are destroying our education system, blowing it up by these stupid policies. And handing the schools in low-income neighborhoods over to private entrepreneurs does not, in itself, improve them. There's plenty of evidence by now that the kids in those schools do no better, and it's simply a way of avoiding their - the public responsibility to provide good education."

Ravitch recently quoted Tim Farley, an education activist, as follows: "A year ago, few had heard of Common Core, data mining, APPR (Annual Professional Performance Review), and "high stakes testing". Now, unless you live under a rock, everyone has heard of Common Core and it is the number one issue in the country." [6]

The current lack of close oversight renders uninformed management of America's K-12 education enterprise. It leads one to believe that President Obama is living under a rock and certainly does not bode well for America's position on the future world stage.

In an 1838 speech to the *Lyceum* in Springfield Illinois, a young Abraham Lincoln observed that the greatest threat to our nation came not from without, but within. So too is the case for America's public schools where a lack of educational leadership can lead to America's undoing. Corrective action needs be taken to turn this situation around.

As suggested in "School Wars 2014," a good beginning would be USDOE invitations to experienced educators and education historians to meet to form action plans to counteract wrong decisions and the damage already incurred by CCSS, VAM, and the over-commercialization of K-12 education

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## THE AUTHOR



# ***College Athletics CLIPS* Guest Commentaries: 2015**

**A Nation Still at Risk: The Ongoing Tragedy of  
Failing Reform in K-12 and Higher Education**

**&**

**College Athletics: On *Cheated* and the False Claims Act**

**By Frank G. Splitt**

**March 18, 2015**

*Published by FutureVectors, Inc. for distribution at the 8th Annual CSRI Scholarly Conference on College Sport, April 20-22, 2015, sponsored by the University of South Carolina College Sport Research Institute.*

*Dedicated to the memory of the Reverend Theodore M. Hesburgh, C.S.C.  
President Emeritus, University of Notre Dame*

# A Nation Still at Risk: The Ongoing Tragedy of Failing Reform in K-12 and Higher Education

By Frank G. Splitt, *FutureVectors, Inc.*, 1-20-15

*This commentary is a further extension of the remarks made by the author in his recent Clips commentaries on education reform. The extended remarks take the form of a January 15, 2015, open letter to Education Secretary Arne Duncan re: Failing Reform in K-12 and Higher Education.*

*You can cut the arts as much as you want, but pretty soon these kids won't have anything to read or write about.....The day they cut the football budget in this state, that will be the end of Western Civilization as we know it.*

— **Richard Dreyfuss** as Mr. Holland in the 1995 film *Mr. Holland's Opus*

## An Open Letter to Education Secretary Arne Duncan Re: Failing Reform in K-12 and Higher Education

January 15, 2015

Mr. Arne Duncan, Secretary  
U.S. Department of Education (USDOE)

Subject: An Open Letter Re: Failing Reform in K-12 and Higher Education.

Dear Secretary Duncan:

**Background** – From previous messages to the USDOE that were reviewed by Luz Curet (OESE), you may recall my *CLIPS* commentary, "A Nation Still at Risk: The Tragedy of Failing Reform in K-12 and Higher Education."<sup>1</sup> The tragedy is that the failing reform efforts in the K-12 and post-secondary sectors of America's education system are rooted in our nation's sports-entertainment culture and its pervasive and debilitating influence on the system beginning with the K-12 pipeline.

The *CLIPS* commentary stemmed from an invitation by political-activist Kent Kirkwood to speak in Elk Grove, Illinois on May 23, 2013. The talk was to be about the negative impact of big-time college sports on the quality of higher education in America, but it was expanded to highlight issues surrounding K-12 education as well. Significant updates to the commentary were aimed at keeping up with many subsequent events as well as helping the reader better understand the thinking behind reform efforts in K-12 and higher education as our nation muddles along with its sports-entertainment-distracted public and currently dysfunctional federal government.<sup>2-5</sup>

When taken together, this material not only provided a compelling argument for continuing efforts to resolve serious problems with America's education enterprise, but for mitigating the widespread commercialization of K-12 and higher education and our nation's cultural bias for athletics over academics as well.

My recent reading and subsequent review of Dr. John Gerdy's 2014 book *Ball or Bands: A Must Read for Community and Education Decision Makers*<sup>6</sup> prompted appeals for help from Diane Ravitch, education historian and former assistant secretary of education, and from Anne Neal, president of the American Council of Trustees and Alumni, to help spread the word about the poor educational return-on-investment associated with football programs at our nation's K-12 schools, specifically to junior high and high schools where these programs are traditionally pitted against programs in the arts when funding becomes scarce. In conjunction with reports of a White House meeting on college-sports reform, the book review prompted another look at related concerns in higher education.

**K-12 Considerations** – Thus far, efforts to obtain meaningful responses to e-letters to the USDOE have proved to be difficult to say the least, see Appendix 2 of NOTE 4. From an outsiders' point of view, the outlook for change in the USDOE's action appears bleak. A step to change this direction was to e-mail a copy of "School Wars and Scandals" to USDOE officials with a request (as suggested in the commentary) that a good beginning for change would be USDOE invitations to experienced educators and education historians to meet to form action plans to counteract wrong decisions and the damage already incurred by Common Core State Standards, (CCSS), Value Added Measure (VAM), and the over-commercialization of K-12 education. The K-12 school wars can be followed at Diane Ravitch's blog.<sup>7</sup>

In addition to the sports mission warp discussed in Dr. Gerdy's book, K-12 school boards, at both the state and local levels, along with administrators are often bamboozled by high-powered, technical marketing types into thinking that education technology is the answer to the vast array of problems faced by school districts. As originally conceived, education technology was to be the source of useful supplemental products for a teacher's tool kit, to be applied to appropriate learning situations.

The unchecked expansion of be-all-end-all, education technology in K-12 is a good example of the destructive power of too much of a good thing. Here your attention is called to a March 31, 2014, open letter to President and Mrs. Barack Obama by Edward Berger. Berger, an experienced educator, who writes about his "extreme concerns about the American Public Education System being altered and changed."<sup>8</sup>

**Higher Ed Considerations** – The over commercialization of America's K-12 education system is not unlike the over commercialization of big-time college sports. However, dramatic changes in big-time college sports are expected—forced by the NLRB and/or the courts. In any case, it is hoped that the NCAA's stranglehold on higher education will be broken in the not too distant future.

In this regard, the timing for the publication of Dr. Gerdy's book was fortuitous in the sense that it coincided with the most stunning moments of the 2014 sports year: Federal rulings that are likely to have widespread impact on the entertainment businesses of big-time collegiate athletics and their feeder high schools forevermore.

The rulings by: 1) Judge Claudia Wilkin in the O'Bannon class-action lawsuit against the NCAA, driven by Sonny Vaccaro, in favor of college athletes' rights to control and profit from their names and images, and, 2) Peter Sung Ohr, a regional director of the NLRB, in a case prompted by the effort to unionize Northwestern University football players led by quarterback Kain Coulter, that Northwestern University football players are employees of the university.

Much to the chagrin of NCAA and school officials, the NLRB ruling opens up the possibility that big-time college athletes could collectively bargain for a share of the billions of dollars that athletic departments generate. Although these rulings are under appeal, the rulings have triggered shock waves not only among officials at the NCAA and its member colleges and universities, but also among the football program boosters at feeder high schools. All fear not only a loss of revenue and the loss of their near absolute control over their school's athletes, but exposure of the NCAA's conflict of interest as manifested by its inability to both promote and police big-time college sports. See the Nov. 10, 2014, *Washington Post* article by Sally Jenkins "It's not that the NCAA doesn't know what it's doing; it's that the NCAA doesn't know what it's supposed to be doing."<sup>9</sup>

In his Jan. 13, 2015, *Inside Higher Ed* story "Presidential Panel on College Sports?," Jake New writes: "A likelier, though still complicated, scenario would be for the federal government to offer the NCAA a partial antitrust exemption – as both an incentive to reform how college sports operate and as a means for the association to achieve some of those reforms."<sup>10</sup>

As you must surely know, it's all about money. Like our nation's high schools, its institutions of higher learning should be about education not entertainment. Since NCAA officials prostitute themselves and their organization for fame and fortune in the world of college-sports entertainment, as do the officials at their member colleges and universities, the following two questions loom large re: A partial antitrust exemption for the NCAA: 1) How would the partial exemption help the NCAA restore academic integrity in college sports?, and 2) How would the partial antitrust exemption help resolve the NCAA's inherent conflict of interest as it serves to both promote and police big-time college sports as its rules enforcer?

For more on the money aspects of big-time college sports, see the Jan. 13, 2015, *New York Times*' opinion piece, "Playing College Moneyball" by Joe Nocera.<sup>11</sup> and, on the same day, publication of Mike Imren's *Daily Herald* column, "12 ways to help the student-ATHLETE."<sup>12</sup>

Imren hit the nail on the head when he wrote "Overall, reform is needed but the only reform that university administrators are interested in is creating more revenue streams." Said to say, university administrators are joined at the hip with conference and NCAA officials. Again, it's all about money – not about education and academic integrity.

Unless and until the USDOE is able to work to restore academic integrity in schools supporting big-time college sports programs, a presidential commission on college sports reform would be relegated to making a silk purse out of a sow's ear

With regard to meetings at the White House, your attention is called to Patrick Hubry's article, titled "Dear White House: Don't let the NCAA scam you," in the Jan. 13, 2015 issue of *Vice Magazine*.<sup>13</sup> Furthermore, you may recall two open letters to the president and his administration that requested help in restoring academic primacy in higher education—displaced by athletic primacy fueled by over commercialization.<sup>14</sup> The total silence engendered by these open letters was deafening.

You and your colleagues at the USDOE must certainly be aware of other glaring issues related to big-time college sports programs that should be on the table for discussion at a White House meeting aimed at the reform of college sports programs. For example, as presently structured, these programs profit from the ocean of money generated via the labor of college athletes who risk their physical and mental wellbeing for the benefit of the architects of this structure, namely, officials at the NCAA and its member schools as well as conference and playoff officials.

Valuable insights into what appears to be a grossly unjust and inequitable situation can be gained from Ramogi Huma's Jan. 11, 2015, Op-Ed in the *LA Times*. Headlined: "The NCAA empire is built on the sweat, talent -- and harm -- of its players."<sup>15</sup>

**Closing Remarks** – It is hoped that Dr. Berger's letter re: K-12 education, the two letters to the president on reclaiming academic integrity in higher education, as well as the points made by the authors of the referenced articles will be given thoughtful consideration and so kindle much-needed corrective action directed at the resolution of the critical issues behind the ongoing tragedy of failed reform in our nation K-12 and higher education systems.

The action could begin with USDOE invitations to experienced educators, education historians, and representatives from players' associations to meet to form action plans to counteract wrong decisions and the damage already incurred in their respective areas by



corporate forces throughout K-12 and higher education. Perhaps some of this can be accomplished via a series of USDOE and White House meetings directed at resolving issues identified by critical stakeholders as well as attended by these stakeholders.

Respectfully,

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University, Evanston, IL  
<http://thedrakegroup.org/authors/splitt>

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## Appendix – Amazon Book Review: A Must Read for Community and Education Decision Makers

By Frank G. Splitt (Mt. Prospect, IL), January 7, 2015

### This review is from: **Ball or Bands: Football vs. Music as an Educational and Community Investment**

In this, his sixth published book involving the relationship between athletics and academics, Dr. John Gerdy, author, educator, and a former NCAA Div. 1 athlete, focuses on that relationship at the junior high and high school levels where football programs are traditionally pitted against programs in the arts when funding becomes scarce and tough decisions must be made. He provides thoughtful and thorough comparative return-on-investment analyses of the educational value of football versus music programs in providing our nation's children an education befitting the complex world of the 21st century.

Gerdy writes perceptively about the decision-making dilemma faced by parents, community leaders and education decision-makers wherever they may be---ranging from the US Department of Education to state and local school boards. He says that when evaluating and deciding educational funding priorities, all should fully understand and consider the role and purpose of educational institutions in our society. Throughout the book the reader becomes ever more aware of a thought-provoking question, to wit: What is the role of our schools and how do we best structure them to meet their fundamental purpose if that purpose is to serve societal needs by successfully preparing its members to meet the issues and challenges of the 21st Century---not those of past centuries? For example, consider the section of the book titled "Decision Making for Today's World," (p. 216) wherein the author writes:

"It's time for parents, community leaders and education decision-makers to face reality and begin to make some difficult choices. It can no longer be denied that, as an educational tool and today's world, music programs yield a far better return on investment than football programs. That may be a harsh verdict, but it is the truth. If we are to successfully meet the many challenges of an increasingly competitive, global economic environment, we had better grasp that reality and structure our schools extracurricular activities accordingly. Football has been the elephant in the middle of the room in the school reform debate, and it is time to recognize that it no longer fulfilling its potential and promise as an educational investment. That being the case, it no longer deserves the tremendous investment we have long made in it, particularly when considered against the backdrop of the world we live in today."

I believe this book is well worth the read, especially for those that are aligned with the arts as they are usually overwhelmed at decision-making meetings by boisterous and much more aggressive sports boosters.

Gerdy notes that while many of us use art and music skills well into our old age, the vast majority of football players end their playing days after high school. He goes on to make clear that, in contrast to music's lifelong beneficial impact on lives, sports boosters are at a loss for a persuasive argument in support of the lifelong educational value of brain-scrambling, win-at-any-cost, football programs at our nation's schools. The book provides music advocates with narratives to advance that message and to make the compelling point that funding decisions at our schools should be about education and not entertainment

Finally, the timing for the book's publication was fortuitous in the sense that it coincided with the most stunning moments of the 2014 sports year: Federal rulings that are likely to have widespread impact on the entertainment businesses of big-time collegiate athletics and their feeder high schools forevermore.

The rulings by: 1) Judge Claudia Wilkin in the O'Bannon class-action lawsuit against the NCAA, driven by Sonny Vaccaro, in favor of college athletes' rights to control and profit from their names and images, and, 2) Peter Sung Ohr, a regional director of the NLRB, in a case prompted by the effort to unionize Northwestern University football players led by quarterback Kain Coulter, that Northwestern' University football players are employees of the university.

Much to the chagrin of NCAA and school officials, the NLRB ruling opens up the possibility that big-time college athletes could collectively bargain for a share of the billions of dollars that athletic departments generate. Although these rulings are under appeal, the rulings have triggered shock waves not only among officials at the NCAA and its member colleges and universities, but also among the football program boosters at feeder high schools. All fear a loss of revenue and the loss of their near absolute control over their school's athletes.

Gerdy concludes by arguing that, the results of comparative return-on-investment analyses in conjunction with new global realities, decision makers should opt for investment in music as a core curriculum subject while transitioning popular football entertainment programs to a privatized setting disassociated from educational institutions.

This well-researched book, with its comparative analyses in multiple areas, will certainly make the defense of football programs at America's educational institutions closer to an exercise in futility than to a traditional slam dunk. It may also bring back memories of *Mr. Holland's Opus*, the award-winning 1995 film starring Richard Dreyfuss that is presented as a biography of the 30-year career of a high school music teacher who saw his school's art department abolished under budget pressure.

*America's overall health and well-being are dependent on educational leadership that can help render an educated and skilled citizenry by focusing on the development of human capital with plenty of STEAM (Science, Technology, Engineering, Arts, and Mathematics) in the mix.*

## Afterword (January 31, 2015)

The open letter to Education Secretary provides examples of the money-grabbing assault on America's K-12 and higher education systems by not only corporate interests, but by individuals as well. Additional fortifying insights can be found in the following

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- A4. Editorial, "The Fraud of the Student-Athlete Claim," *New York Times*, Jan. 28, 2015, [http://www.nytimes.com/2015/01/28/opinion/the-fraud-of-the-student-athlete-claim.html?\\_r=0](http://www.nytimes.com/2015/01/28/opinion/the-fraud-of-the-student-athlete-claim.html?_r=0)
- A5. Zimbalist, "A Presidential Panel Ought to Investigate College Sports," *The Chronicle of Higher Education*, Jan. 30, 2015, <http://chronicle.com/article/Time-for-a-Presidential-Panel/151173/>
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- A7. Cohen and St. Clair, "Critics boo as College of DuPage board reaffirms president's buyout," *Chicago Tribune*, Jan. 28, 2015, <http://www.chicagotribune.com/news/local/breaking/ct-college-of-dupage-president-buyout-revote-met-0129-20150128-story.html#page=1>
- A8. Alesia, "Football vs. band as educational investment: It's sports business," *IndyStar*, Jan. 30, 2015, <http://tinyurl.com/m3zbd8b> .

*Many have concluded that little can be done to rein in the arms race or to curb the rampant excesses of the market. As we stated in the 2001 Knight Commission Report: "Worse, some predict that failure to reform from within will lead to a collapse of the current intercollegiate athletics system."*  
—**Theodore M. Hesburgh**, from his Foreword to the author's 2003 Brief "Reclaiming Academic Integrity in Higher Education," [https://drakegroupblog.files.wordpress.com/2012/12/splitt\\_reclaiming\\_academic\\_primacy.pdf](https://drakegroupblog.files.wordpress.com/2012/12/splitt_reclaiming_academic_primacy.pdf)

## College Athletics: On *Cheated* and the False Claims Act

By Frank G. Splitt, 3-14-15

Prompted by the publication of Jay M. Smith's and Mary Willingham's book *Cheated*, the author resurrected two circa 2006 CLIPS commentaries with updated URLs: "College Athletics, Academic Assessment, and the False Claims Act" and "The Student-Athlete: An NCAA False Claim?" that are appended as references to his further comments on the False Claims Act as applied to the NCAA false claim that big-time college athletes are primarily students.

*Cheated*, the recently published book by Jay M. Smith and Mary Willingham,<sup>1</sup> could prove to be the undoing of big-time college sports programs supported by the NCAA and its member institutions, aka the NCAA cartel<sup>2,3</sup>

"To be successful, one must cheat. Everyone is cheating, and I refuse to cheat." So said former University of Chicago President Robert Maynard Hutchins when he moved to eliminate the school's football program in 1939. What is to be said about cheating after a remove of more than three-quarters of a century? Simply stated, everybody seems to be cheating in one way or another.<sup>4</sup>

Gregg Easterbrook's in-depth *WSJ* review of *Cheated* provides a neat summary of the details behind the egregious academic corruption at the University of North Carolina.<sup>5</sup> Sadly, this corruption is not unique to this university. As Hutchins said: "They all cheat." However, some colleges and universities are better than others at not getting caught. Winning at any cost is the name of the game so who wouldn't cheat to gain fame and fortune, especially when responsible parties fail to take decisive action.<sup>6,7</sup>

*If you ran a college and knew there was substantial money to be had from sports but no requirement to educate athletes, you might cut corners—that's exactly what the University of North Carolina did for nearly two decades. —Gregg Easterbrook<sup>5</sup>*

In his comment on Easterbrook's review, Jordan Rosenberg wrote the following:

The IRS needs to have a look at the University of North Carolina. Organized as a nonprofit for the purpose of education, UNC's income is tax exempt. We now see that its football and basketball programs weren't part of its academic program. They were part of an unrelated for-profit business. They, and other universities, owe back taxes on that income. Further, any tax savings on sports income over the decades was secured by fraud, a serious tax crime. Financial and other penalties should apply.<sup>8</sup>

My posted background comments on the letter read as follows:

The letter brought to mind unsuccessful past efforts to have the IRS clamp down on the seemingly untouchable NCAA and its member institutions that were apparently not in compliance with the rules and regulations applicable to non-profits.

Leading the charge were Sen. Chuck Grassley, then chair of the Senate Finance Committee (SFC) in 2004-8, and former Rep. Bill Thomas who, in 2006 as chairman of the House Committee on Ways and Means, wrote a letter to the NCAA president containing sharply worded questions re: the justification of the NCAA's tax-exempt status.

In 2009, Sen. Grassley, then ranking member of the SFC, requested the IRS to see if the NCAA was using its nonprofit status to avoid paying taxes on its unrelated sports entertainment businesses. Two 2009 open letters from The Drake Group to President Obama asked for assistance for Sen. Grassley's effort to enforce compliance of federal requirements for the NCAA's tax exemptions, garnered nary a word in response.<sup>9</sup>

The fact-based narrative in *Cheated* could form a solid basis for a prima facie, false-claims case against the NCAA cartel in accordance with the False Claims Act.<sup>10</sup>

The government has been and is still being defrauded—cheated out of tax revenues from the cartel, donors, and others by virtue of the cartel's false claim that college athletes are primarily students and not primarily athletes.

When writing in a related context, Andrew Zimbalist said, "Congress can stand idly by, as it is wont to do, and refuse to get involved in the business of college sports. Or, it can recognize that it is already involved in that business—via an elaborate network of tax preferences and subsidies—and that the system needs help"<sup>11</sup>

Substantial doubt exists as to the presence of anyone in the Congress or in the Obama Administration adequately motivated to take on the challenge of reform as did Sen. Grassley and Dean Zerby, his chief tax counsel during Grassley's service as the chair of the SFC prior to the 2006 Congressional elections.

It is somewhat ironic that the March 6, 2015, NCAA report,<sup>12</sup> accusing Syracuse University of blatant academic fraud in the school's men's basketball and football programs, adds credence to any effort to develop a prima facie false-claims case against the NCAA cartel. Consideration might also be given to reported academic fraud that has, over the years, been writ large across many other colleges and universities supporting big-time football and men's basketball programs. Examples abound: Auburn University, the City College of New York, the State University of New York – Binghamton, the Universities of Georgia, Memphis, Minnesota, Nebraska, and Tennessee, among others,

There is one thing you can be sure of, to wit: taking the NCAA cartel to court IAW the False Claims Act would not be an easy task as one might first think since when evaluating the merit of a False Claims Act case, a potential whistleblower needs to consider a number of things.<sup>13</sup> These “things” can represent formidable roadblocks to whistleblowers no matter how good the case appears from their perspective.

The NCAA cartel will also use all of its available political, financial, and legal resources to fight a false-claims case just as it continues its fight against lawsuits in the courts that include the appeal of Claudia Wilkin's ruling in the O'Bannon class-action suit, Jeffrey Kessler's antitrust suit challenging the association's right to limit an athlete's pay in any form, and the NRLB Regional Office ruling in favor of the unionization effort by Northwestern football players wherein the players are to be considered the university's employee-athletes rather than student-athletes.

Government attempts to recoup lost revenues attributable to the NCAA cartel's false claim by taxing the profits of the purveyors of big-time college sports would likely be to no avail since creative accounting by the cartel can show that there is/was little if any profit to be taxed. Nonetheless, the US Treasury's “lost” revenue can be obtained via a “sin” tax levied on the revenues of members of the cartel as suggested in 2011 by University of Chicago Professor Allen R. Sanderson.<sup>14</sup> But why stop there? Since college football and basketball conferences are serving as uncompensated minor leagues for the NFL and NBA, serious consideration should also be given to the imposition of steep taxes on all NFL and NBA advertising, television broadcasts, logo merchandise sales, and game receipts.

Finally, a question looms large: Who and where are the whistleblowers as well as members of the Administration and Congress who have the political courage to take justifiable action against the NCAA cartel to recover tax revenues lost by virtue of its false claim that college athletes are students first? Perhaps action can be catalyzed by the recently announced College Athletes Rights and Empowerment Faculty Coalition (CARE-FC) that aims to work with football and basketball players “who seek relief from the fraudulent business practices used by college sport organizations” and educate policy makers about “exploitative” college sport industry.<sup>15</sup>

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# College Athletics, Academic Assessment, and the False Claims Act

## A CLIPS GUEST COMMENTARY

By Frank G. Splitt. Posted September 24, 2006

**MARGARET MILLER**, director of the Center for the Study of Higher Education at the University of Virginia, tells of the (Spellings) Commission on the Future of Higher Education report's emphasis on accountability measures that has evoked some legitimate concerns [1]. However, steps toward some common indicators of educational progress make sense, and they're feasible, writes Miller.

But, like the disclosure advocated by The Drake Group to help reform collegiate athletics [2], assessment measures do not make sense to big-time (Div IA) college presidents and administrators who will likely resist these measures at all costs. Here's why:

The litany of concerns about assessment – that higher education is far too diverse to be measured by standardized tests; that common learning measures will lead inevitably to punitive, costly, and unnecessary federal intervention; and that if assessment is used as a consumer-information tool, it will oversimplify a complex higher-education system and lead to comparisons among unlike institutions – all contain a bit of truth. However, these stated concerns merely serve as chaff – masking the real, unstated concern of college presidents and administrators that assessment could expose their schools to False Claims lawsuits as well as jeopardize the basis for the huge tax-exempt revenues from their sports entertainment businesses [3, 4].

Lowering the admissions bar to woo the children of the rich and famous and the adoption of a SAT-optional strategy helps raise school endowments and enrollments [5, 6]. What's more, these kinds of tactics also help athletic departments admit and roster highly talented, but educationally disadvantaged, athletes ... athletes that are requisite to building cash-generating, competitive (quasi-professional) college sports teams [7]. Here, it is to be noted that many of these academically unprepared athletes will have a full-time athletic job, miss numerous classes, and likely come dead tired to others.

In any case, all the colleges have to say is that the students are admitted because they believe the students are qualified and can meet the demands of their academic programs. But who can trust that this is really so when it is in the school's vested self-interest to make such statements? Who will challenge the schools?

**WHAT COLLEGE PRESIDENT** would ever want to approve, let alone introduce, academic assessment with metrics that could possibly expose chicanery and academic corruption – such as the likely abuse of direct-study courses – that could be enabling his/her school to prosper as a federally subsidized business [8, 9]? Much the same can be said of boards, committees, and commissions populated with sitting presidents, that ostensibly serve to oversee, improve, and/or reform collegiate athletics, but work around the margins of the mess in collegiate athletics to maintain the status quo.

It would appear that athletic departments and school administrators have developed a new art form – achieving and maintaining eligibility for college athletes pretending to be students. Faculty members willing to game the academic system are all that is needed to gain eligibility and even graduation for these athletes, thus allowing their school to reap the financial benefits attendant to the athlete's participation in intercollegiate sports. What do the schools really have to worry about?

Just imagine a certified (trustworthy), independent assessment of what college athletes are really learning or have learned. Furthermore, imagine the financial consequence to America's colleges and universities of widespread False Claims suits. These suits, filed under the False Claims Act, would enable the government to recover federal funds that have been misspent on 'empty' educations for many college athletes ... athletes who have neither the time nor, in many cases, the inclination requisite to serious degree-track studies. Under the terms of the act, lawsuits can be brought by the government or by outside parties on behalf of the government. That's what the schools have to worry about – and intervention by the Congress as well.

However, it will take a tremendous amount of courage and resolve on the part of Congress to do the right thing and bring nature of this power, we need only look back at the story of the cartel's suppression of the 1977 Unrelated Business Income Tax case brought against Texas Christian University by the Dallas office of the IRS [10].

Still all is not lost. There is a glimmer of hope in Brad Wolverton's story on how a congressional committee is scrutinizing the academic problems of athletics and the tax-exempt status of the NCAA and athletics conferences [11]. Lastly, there is

always the looming threat of major financial hurt to miscreant schools – stemming from litigation based on the False Claims Act.

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2. Salzwedel, Matthew and Ericson, Jon, "Cleaning Up Buckley: How the Family Educational Rights and Privacy Act Shields Academic Corruption in College Athletics," *WISCONSIN LAW REVIEW*, Volume 2003, Number 6, 2004. NOTE: For example, schools would publish aggregated (Buckley-compliant) attendance records and academic data, including grades, from cohorts of football and basketball team athletes – providing the names of the faculty along with the title of the courses and course GPA.
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## The Student-Athlete: An NCAA False Claim?

*a CLIPS GUEST COMMENTARY*

By Frank G. Splitt, *Posted on November 21, 2006*

*House Ways and Means Committee Chairman William Thomas had questions, NCAA President Myles Brand had answers, and now The Drake Group's Frank Splitt presents an incisive interpretation to one of the responses to use it as a means to amplify calls for the disclosure of the academic records of college athletes.*

**BACKGROUND** – According to Walter Byers, who served as NCAA executive director from 1951 to 1987, the term 'student-athlete' was coined by the NCAA in the 1950s to counter the threat that its newly implemented play-for-pay, grant-in-aid athletic scholarship policy could result in NCAA athletes being considered paid employees by Workers Compensation Boards and the courts. The term was immediately embedded in all NCAA rules and interpretations as a mandated substitute for words such as players and athletes [1].

Subsequently, NCAA marketing and PR departments have effectively branded the term to serve the public relations and advertising needs of the NCAA. It is apparent that the term is now used – mantra-like – by NCAA officials in speeches and interviews, as well as in NCAA press releases and other official communications as a means of brand extension. As a case in point, the term appeared no less than 68 times in NCAA President Myles Brand's November 13, 2006, letter to House Committee on Ways & Means Chairman Bill Thomas.

The NCAA's seemingly incessant use of the contrived student-athlete term is a deceptive way of getting their listening and reading audiences – the general public, the media, and especially NCAA-school athletes and government officials – to believe that big-time NCAA-school athletes are students rather than school employees working as athletic entertainers. Put another way, the obvious aim of the NCAA gambit has been to imprint in the minds of all, that college athletes are first and foremost students. But how can the NCAA really know this is so? It can't. The answer lies in the last part of NCAA President Myles Brand's response to a question by Chairman Thomas.

**THE QUESTION AND RESPONSE** – Thomas' Question # 8.a. followed his context-setting remark: *In recent years, there have been many reports of athletes taking college courses that lack academic rigor. Several schools have reportedly steered athletes toward professors and academic majors that are less challenging.*

**Chairman Thomas:** *What actions has the NCAA taken to assess the substance of the courses athletes are taking and, more generally, the quality of the education athletes receive?*

**NCAA President Brand:** *The NCAA is in the process of collecting survey data in two projects with both recently graduated student-athletes and those who have graduated over the last decade about what degrees they selected, why those degrees were selected and whether they were steered toward specific degree programs. Those data have not been fully compiled and will not be available until the spring of 2007.*

*It is important, however, to understand that the faculty of each college or university, rather than the NCAA, determines the courses that will be taught, the standards for instruction and the requirements for degrees. They are also responsible for monitoring against academic abuse or fraud, and they take these responsibilities seriously. It is unlikely that any intrusion by the NCAA into this realm would be either practical, successful or welcomed.*

**COMMENT** – As my TDG colleague, Jon Ericson has said: *Mr. Brand and Athletics Directors are fond of reacting to any questions concerning academic misconduct related to athletics by pointing out that the faculty is responsible for the curriculum. Mr. Brand is, of course, dead-on correct. We call ourselves the guardians of the curriculum.*

Unfortunately, notwithstanding the efforts of the Coalition on Intercollegiate Athletics, most college faculty are attending to their own vested interests and non-provocative business – giving scant, if any, attention to their duties as guardians of the curriculum and academic integrity as it applies to their school's athletes. Some of these faculty are indeed intimidated by their administrations, athletic directors, and coaches, some are rabid sports fans who enjoy the entertainment and excitement, some just don't care, while still others can't make the connection between the apparent priority of athletics-over-academics at their schools and its negative impact not only on their schools, but also on America's long-term economic health and wellbeing.

In any case, the fact that faculty are indeed responsible for the curriculum but, generally speaking, lack the power and the will to stand up to school presidents and their governing boards is a glaring weakness in academe. This weakness has become a tactical focal point in the NCAA's avoidance-and-evasion strategy that is aimed at countering questions, charges, or examples of academic impropriety in college sports. Therefore, Brand's response was not at all surprising.

**A CONVENIENT TRUTH** – **The NCAA's ability to employ its avoidance-and-evasion strategy** is based on a convenient truth. As a consequence of its hands-off policy with respect to oversight of academics, the NCAA does not have access to tangible and verifiable evidence on the academic performance of athletes. More to the point, it does not have the facts, as for example, on the courses taken by the athletes, the average grades for the athletes and the average grades for all students in those courses, the names of advisors and professors who teach those courses and whole-period class attendance by athletes. The simple truth is this: the NCAA does not have indisputable evidence that these athletes are really college students as opposed to school employees that have a full-time athletic job while participating in an alternative educational experience.

As a matter of fact, Robert and Amy McCormick, from the Michigan State University College of Law, argue in their *Washington Law Review* paper, "The Myth of the Student-Athlete: The College Athlete as Employee, that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions are not "student-athletes" as the NCAA asserts, but are, instead, "employees" under the National Labor Relations Act [2].

In many, if not most, instances, the aforementioned alternative educational experience is not part of the school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department to maintain the eligibility of the school's athletes. See Palaima [3] for insights into the separate worlds of campus athletics and academics.

It can also be argued that, just like the government, the NCAA must take the word of school administrators that athletes are really students on track to receive a bona fide, rather than a "pretend" college education. The fact that the NCAA has never endorsed proposals for academic disclosure by its member schools [4, 5], seems to indicate that NCAA officials do not want to have public evidence that could prove embarrassing to their cartel's business interests. As far as the NCAA is concerned, its ignorance is bliss.

Simply stated, in the absence of indisputable facts, the NCAA is in a position where it can say that it must trust schools in academic matters. In many instances, these schools give every appearance of being secretive and untrustworthy in matters related to the eligibility of their athletes, for examples see Salzwedel and Ericson [4]. Besides the potential loss of big-

money, there is a compelling need for some schools to report very high graduation rates and passing Academic Progress Rates to justify/rationalize their high-profile programs and their extraordinary investments in academic support center staffs and facilities. And that brings us back to the NCAA's extensive use of the term 'student-athlete.'

**AN NCAA FALSE CLAIM?** – Without facts obtained by independent parties, disclosure, and external oversight, how can the NCAA ever know that athletes are really students receiving a bona fide, rather than a “pretend” college education? Without an unequivocal answer to this question that is supported by verifiable evidence – indicating that athletes are progressing on accredited-degree tracks – there appears to be no rational basis for the NCAA to use the term 'student-athlete' when referring to college athletes who are, in effect, full-time employees of their schools. The NCAA's use of the term may very well represent a false claim in violation of laws governing truth in advertising [6].

Finally, without external oversight and a requirement for Buckley-compliant disclosure [4, 7], 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 now beholden to the out-of-control college sports entertainment business.

*The opinions, intimations, conclusions and inferences contained within this commentary are solely those of the author; they do not reflect the opinions or endorsement of College Athletics Clips.*

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## Father Ted Hesburgh: A Man for All Seasons

*Does anyone look anymore to college and university presidents for intellectual and moral leadership? There was a time when we did, when leaders of America's great academic institutions were thought of not just as fund raisers and managers of large bureaucracies but also as scholars, thinkers and, yes, moral leaders. The Rev. Theodore M. Hesburgh, who died Thursday (Feb. 27) at age 97, was one of that breed—quite possibly the last. So wrote Don Wycliff in his *Chronicle* tribute to Father Hesburgh.[1]*

By Frank G. Splitt, 03-21-15

Wycliff's tribute and comments thereon can be found online. My comment was as follows:

### **A Man for All Seasons**

And so much more -- Father Hesburgh was truly a man for all seasons. Not mentioned in the commentary was his work on the Knight Commission on Intercollegiate Athletics where he served with William Friday, Emeritus President of the University of North Carolina, as co-chairs of the commission that first met in 1989 after a series of sports scandals.

In 2003, Fr. Hesburgh not only wrote the foreword to my 2003 brief but also put me in touch with Friday and Derek Bok, former president of Harvard University. Both Bok and Friday contributed commentaries on the brief that can be accessed [here](#)

A document containing print versions of two on-line, *College Athletics CLIPS Guest Commentaries*, "A Nation Still at Risk: The Ongoing Tragedy of Failing Reform in K-12 and Higher Education" and "College Athletics: On *Cheated* and the False Claims Act" have been dedicated to the memory of Fr. Hesburgh. The document has been published for distribution at the April 20-22, 2015, College Sport Research Institute's Scholarly Conference on College Sport sponsored by the University of South Carolina.

And, he was an avid Wisconsin musky fisherman as well. [2]

Appended is a related excerpt from the above-referenced brief

### **Notes**

1. Wycliff, Don, commentary "Father Hesburgh: a Priest, a President, and So Much More," *The Chronicle of Higher Education*, Mar. 13, 2015, p. A30, <http://chronicle.com/article/Father-Hesburgh-a-Priest-a/228071/>
2. The University of Notre Dame's research facility in Land O' Lakes, Wisconsin, is not only well known for the historical decisions made there under his leadership, but also for the splendid fishing lakes thereabouts. Working and meeting with Fr. Hesburgh, combined with talk of trophy-musky hunting, has proved to be one of my life's richest rewards.

## **Appendix – Excerpt from the AFTERWORD of "Reclaiming Academic Primacy in Higher Education: A Brief"**

And now for a final word that goes back to a beginning—way back to Sunday, June 12, 1955. The occasion was the last commencement exercise at the Fournier Institute of Technology in Lemont, Illinois. The late Arthur J. Schmitt, "AJ," the educational innovator who founded Fournier in 1943, gave the welcome address.

The president of the University of Notre Dame, Father Theodore M. Hesburgh, C.S.C., gave the Commencement Address. It was just three years since he took over the reins from his predecessor, Father John Cavanaugh, C.S.C., to become Notre Dame's youngest-ever president. It was four years since Father Cavanaugh gave the Commencement Address to the Class of 1951—Fournier's first graduating class.

Among the many guests in the audience that day were two recent Fournier graduates, Richard C. Becker, Class of 1953, and the author, Class of 1952. After a distinguished career in industry, Dr. Becker went on to serve as the president of Illinois Benedictine University. He now serves as the Chair of the Arthur J. Schmitt Foundation.

Fr. Hesburgh served as the president of Notre Dame for 35 years, the longest term in the school's history. He also served as a counselor to seven U.S. presidents and several popes, as the founder of the Peace Corps, as chair of the U.S. Commission on Civil Rights, as co-chair with William C. Friday of the Knight Commission on Intercollegiate Athletics, and as a role model for all the weak who work to confound the strong. He continues to be active in retirement, chairing the advisory committees of the Kroc Institute for International Peace Studies and the Kellogg Institute for International Studies, both housed at the Hesburgh Center for International Studies at Notre Dame.

As fate would have it, I was never able to have a one-on-one with Fr. Hesburgh through all of the ensuing years. In the fall of 1988, I was invited to visit Notre Dame by Tony Michel who was then Dean of Engineering and a fellow director of the International Engineering Consortium. The purpose of the visit was to give the Industry-Day banquet address to the engineering students at Notre Dame. I missed visiting with Fr. Hesburgh since he was off campus at the time. However, we were in paper contact in early 1990 after my wife Judy and I presented the 1989 Chicago Area Beyond War Foundation Award to a mutual friend, Bishop William McManus for his work on peace and justice.

At the time, Fr. Hesburgh was a member of the International 1989 Beyond War Award Selection Committee and had great interest in the work of the foundation to build a world beyond war. A few years later we tried to arrange a visit and dinner at the Guide's Inn in Boulder Junction when my wife and I were at our summer residence in Star Lake, Wisconsin. Unfortunately, circumstances at the time and thereafter were such that we were never able to get together; he was not spending much time at the Notre Dame Conference Center in Land O'Lakes. I was in the beginning stages of some serious health problems that provided ample opportunity to read as well as be inspired by his autobiography, *God, Country, Notre Dame*. All of that is now history. This brief presented yet another opportunity for our paths to cross ... for sure.

In early November, I wrote to Fr. Hesburgh to ask for help in the way of comments and suggestions relative to the brief. Input from the perspective of a co-chair of the twice-convened Knight Commission on Intercollegiate Athletics was considered to be a most valuable addition. Shortly thereafter we had a wide ranging telephone conversation, ending with his offer to help in any way he could. My response to his offer came the next day in the form of an invitation to write the Foreword for the brief along with a request for a follow-up meeting to discuss his views on the future of higher education in the United States. With all agreed, my wife and I made plans to visit Fr. Hesburgh on December 2, in his office at the Hesburgh Library. Good news came when his assistant, Melanie Chapleau, called the evening before to say all was ready: "Father has finished the Foreword."

I must say that it has been one of life's greatest pleasures to be able to "come together" after some 48 years. Working and meeting with Fr. Hesburgh proved to have its own rich rewards. It also brought back fond memories of "AJ" and a sense of deep gratitude for my educational experience at Fournier, an experience that profoundly influenced my thinking, career and direction in life.

# ***Cheated: A Tale of Profit at the Expense of Academic Integrity***

## ***Clips Book Review***

In his review of the recently published book *Cheated: The UNC Scandal, The Education of Athletes, and the Future of Big-Time College Sports*, by Jay M. Smith and Mary Willingham, the reviewer states that the book illuminates the egregious academic corruption that took place at the University of North Carolina and details how the school cheated athletes out of a real college education.

By Frank G. Splitt, April 19, 2015, Updated May 26, 2015

"To be successful, one must cheat. Everyone is cheating, and I refuse to cheat." So said former University of Chicago President Robert Maynard Hutchins when he moved to eliminate the school's football program in 1939. What is to be said about cheating after a remove of more than three-quarters of a century? Simply stated, everybody seems to be cheating in one way or another.

*Cheated* illuminates the egregious academic corruption that took place at the University of North Carolina (UNC). It was written with a definite purpose in mind, to wit: To have well-informed insiders lay bare in ground-breaking, consummate detail, the anatomy of the university's betrayal of its academic mission and consequent loss of academic integrity—cheating athletes out of a real college education.

Sadly, as the authors note, this corruption is not unique to UNC. As Hutchins said: "They all cheat." However, some colleges and universities are better than others at not getting caught. Winning at any cost is the name of the game so who wouldn't cheat to gain fame and fortune, especially when responsible parties fail to take decisive action.

I found *Cheated* to be the apotheosis of what goes on in a university seduced by the ocean of money and; related profits associated with big-time collegiate athletics. This must-read book could, in time, prove to be the undoing of big-time college sports programs supported by the NCAA and its member institutions, aka the NCAA cartel

*Cheated*, prompted the resurrection of two circa 2006 CLIPS commentaries that were appended as references to my comments on the False Claims Act as applied to the NCAA false claim that big-time college athletes are primarily students. These comments appeared in the March 14, 2015, *CLIPS* commentary "College Athletics: On *Cheated* and the False Claims Act." [1]

"The great value of the UNC scandal was not its ability to galvanize faculty outrage but rather its demonstration of the sheer perversity of the current system. The flood of money, the pressure to win, the creation of a university brand that identified the institution addenda fight the institution with a tradition of athletic success, the customary disregard for the educational experiences of black athletes: all of these forces led sensible people to accept or overlook irrational behavior at UNC, "to normalize deviance," in the words of sociologist Diane Vaughan," say the authors.

This book is about as good as it gets when focusing sunshine on a festering wound. Nevertheless, it's not likely that *Cheated* will be high on the reading lists for presidents and provosts of colleges and universities supporting big-time football and men's basketball programs. Looking the other way has been a vital part of their modus operandi and job security.

What administrator wants to kill the goose that's laying golden eggs by wanting to know how their own athletes may have been, and possibly still are, being cheated of a college education? It's comforting for them to simply believe that tutors, remedial programs, and facilities are adequate not only to the task of gaining and maintaining eligibility for academically disadvantaged recruits, but also for providing these recruits an educational opportunity that they might otherwise not have.

It's also comforting for administrators to adhere to this belief even when the time demands of their athletic programs leave scant chance of seizing the educational opportunity as well as when some of their recruits are

long on athletic abilities but are either short on academic abilities or lack the desire to learn. Here, the October 5, 2012, tweet by Ohio State's 2015 *Rose-Bowl*-winning quarterback Cardale Jones comes to mind as an example, "Why should we have to go to class if we came here to play FOOTBALL, we ain't come to play SCHOOL, classes are POINTLESS."

Today the once lonely journey to collegiate athletics reform is far from being lonely as it has many more travelers. They include activists such as Kain Coulter, Ramogi Huma, Kadie Otto, Allen Sack, Ellen Staurowsky, and Sonny Vaccaro; authors Taylor Branch, Jason Gay, Dave Ridpath, Jay Smith, Mary Willingham, Mark Yost, and Andy Zimbalist; columnists such as Frank Deford, Pat Forde, Patrick Hruby, Mike Imren, Dan Kane, Joe Nocera, Renee Schoof, Jon Solomon, Rick Telander, and Dave Wetzel; as well as documentarians Lowell Bergman and Zach Stauffer, among many others.

Needless to say, it is still disappointing to see the notable absence on the journey of active college and university presidents, trustees, and faculty. They remain caught between the proverbial rock and a hard place. The rock is their professional and moral obligation to protect the academic integrity of their schools. The hard place is the felt personal obligation of job protection and avoidance of retaliation by adherents of the status quo. Given the human condition, almost all have dependents and mortgages, the latter position appears locked in place unless and until the school's athletics-related commercial entertainment business is divested from its athletics department by whatever means necessary.

After finishing this well-referenced book, the reader may be hard pressed to answer the question: Who still wants to tackle biggest man on campus? The reaction to an October 5, 2005, letter to the editor of the *Wall Street Journal* should provide a good sense of the difficulties faced by faculty members and others who want to do right by their moral obligation to protect the academic integrity of their institution. The letter was headlined "Who Wants to Tackle Biggest Man on Campus?"[2] It is another example of the high stakes involved when one considers the fact that the letter led to retaliation soon after its publication, see "Statement on Academic Retaliation"[3]

Bringing about change in the status quo of big-time college sports has been an arduous task to say the very least. However, thanks to the O'Bannon class-action, anti-trust case against the NCAA driven by Sonny Vaccaro, the National Labor Relations Board hearing on the unionization effort at Northwestern University led by Ramogi Huma and Kain Colter, Jeffrey Kessler's antitrust suit challenging the NCAA's right to limit an athlete's pay in any form, and the publication of *Cheated*, dramatic, hard-fought change will soon be taking place---biggest man on campus notwithstanding.

To learn more, the reader is encouraged to view Brad Wolverton's interview of Mary Willingham[4] and see Sara Ganim's Jan. 9, 2014, *CNN* piece, "Women who blew whistle in student-athlete cases and what happened next."[5] All of these women have been inspirational with some breaking ground well ahead of their time. They were all recipients of The Drake Group's *Robert Maynard Hutchins Award*.[6]

Furthermore, *Cheated* along with Pulitzer-Prize-Winning, Seattle Times' reporters, Ken Armstrong's and Nick Perry's 2010 book *Scoreboard Baby: A Story of College Football. Crime, and Complicity*, like Paul Gallico's classic, *Farewell to Sport*, are replete with disturbing facts and allegations.[7] The authors tell equally disturbing stories about the dark side of big-time college football and basketball -- exposing a community's collective convoluted values -- while back in 1937 Gallico said "Colleges have managed to get themselves involved in a dirty and subversive business." The tale of this business is one of several dimensions and has been told in these and several other revelatory books.

The *Cheated* and *Scoreboard Baby* narratives could serve as fitting metaphors for the crime, complicity, and warped values associated with professionalized college sports in America with a one-to-one mapping of the two book's cast of local characters, organizations, and citizens onto corresponding entities on the national scene. Why so?

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 news media reporter. 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.

I believe readers will also see striking evidence of local complicity in cover ups of wrong doing in Jon Krakauer's 2015 book *Missoula: Rape and the Justice System in a College Town*.

Finally, on a personal note, it was inspiring to see the courage displayed by the authors as they engaged a corrupt system. I consider them to be modern-day heroes. It comforting to see the future of collegiate athletics reform in the hands of a new generation of leaders, for example, see *Paper Class Inc.*[8] On the other hand, the greatest disappointment in my 12-year odyssey on the road to collegiate sports reform, has been a perceived lack of courage and leadership on the part of schools that not only shy from leading collegiate athletics reform as was my expressed hope, but also continue to harvest gold from their sports-entertainment businesses. See "Time for accountability in sports" in "Collegiate Athletics Reform: A Collection of References from the *National Catholic Reporter*." [9]

## Web Links

1. <https://collegethleticsclips.com/news/collegethleticsoncheatedandthefalseclaimsact.html>
2. [https://drakegroupblog.files.wordpress.com/2013/01/splitt\\_essays.pdf](https://drakegroupblog.files.wordpress.com/2013/01/splitt_essays.pdf), page 28
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## Our Democracy Needs the Social Sciences

By Frank G. Splitt, June 3, 2015

*We need more graduates who have a broad view of life and business the "big picture" if you will. It is my view that the need for leadership in the information age will best be served by such generalists*

This commentary begins with the above epigraph that was taken from the very first commentary in this *Odyssey*—the September 28, 1986 chairman's address, "Too Few Generalists: A Problem for Engineering Education," at the *1986 National Communications Forum* in Chicago. Those remarks set the tone for subsequent lectures to the engineering schools at a number of U.S. universities and my work on the inaugural Industry Advisory Council for the Accreditation Board for Engineering and Technology (ABET) as well as the 2000-03 SEER Campaign for Systemic Engineering Education Reform.[1]

As a consequence of the SEER campaign, ABET EC2000 Criterion 3. (c) and (h) were revised as follows. (These changes, denoted by underscore, went into effect in the 2005-06 accreditation cycle.)

(c) an ability to design a system, component, or process to meet desired needs within realistic constraints such as economic, environmental, social, political, ethical, health and safety, manufacturability, and sustainability

(h) the broad education necessary to understand the impact of engineering solutions in a global, economic, environmental, and societal context

That's the fairly long background story behind my motivation to comment on Caroline Porter's 4/29/15, *Wall Street Journal* column "Students' Results in Social Studies Stagnate." See my appended message to Diane Ravitch, a research professor at New York University's Steinhardt School of Culture, Education, and Human Development, a former U.S. Assistant Secretary of Education, and a renowned author on education, cf. *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools*.

As it was then and is now, there are multiple forces that drive overspecialization and consequential out-of-balance education. Today we see an almost relentless focus on the STEM areas of Science, Technology, Engineering and Mathematics. That's why I have not only broadened STEM to STEAM in recent letters and

commentaries, but also why I have been promoting John Gerdy's book *Ball or Bands: Football vs. Music as an Educational and Community Investment*.

Finally, the reader may find it of interest to review the "Journal Report on Big Issues" that asks: "Does Technology Belong in Classroom Instruction?" Some say it broadens horizons, others say that it can't teach children how to think, that's what teachers do. Yes and No responses are provided by Lisa Nielson (Yes), director of digital engagement for the New York City Department of Education, and Jose Antonio Bowen (No), president of Goucher College.[2]

## NOTES

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2. Nielson, Lisa and Bowen, Jose Antonio, "Does Technology Belong in Classroom Instruction?" *The Wall Street Journal*, May 11, 2015, <http://www.wsj.com/articles/does-technology-belong-in-classroom-instruction-1431100454->

**Appendix** –Text of May 8, 2015 E-mail to Diane Ravitch Re: Our Democracy Needs the Social Sciences

Diane, appended are comments on Caroline Porter's 4/29/15, *WSJ* column "Students' Results in Social Studies Stagnate" [<http://www.wsj.com/articles/u-s-students-stagnate-in-social-studies-1430280062>], originally headlined "Needed: A Balanced Education."

The outlook for balanced education driven by the U.S. Department of Education continues to be bleak as Education Secretary Duncan and his staffers still appear to be bamboozled---put adrift in a sea of be-all-end-all technology and testing software by charismatic marketers working on behalf of corporations and others with vested interests, not to mention the warping effect of athletic programs

Again your attention is called to John Gerdy's book, *Ball or Bands: Football vs. Music as an Educational and Community Investment*. See book details as well as my review at [<http://www.amazon.com/Ball-Bands-Educational-Community-Investment-ebook/dp/B00PJJ5GXS>].

Best,

Frank

Frank G. Splitt  
Former McCormick Faculty Fellow  
McCormick School of Engineering and Applied Science  
Northwestern University  
Evanston, Illinois  
<http://thedrakegroup.org/authors/splitt>

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***The Wall Street Journal***

May 7, 2015, Online at <http://www.wsj.com/articles/our-democracy-needs-the-social-sciences-letters-to-the-editor-1430942141>

*We need a balanced education with plenty of STEAM, wherein the "S" includes the social sciences and the "A" represents the art.*

The article "[Students' Results in Social Studies Stagnate](#)" (U.S. News, April 29) is no surprise. The government's No Child Left Behind, Race to the Top, and Common Core State Standards programs have led to the development of a highly competitive education marketplace focused on technology and testing. What we have now is the all-too-predictable result. Needed is a balanced education with plenty of STEAM, wherein the "S" includes the social sciences and the "A" represents the arts.

Frank G. Splitt  
*Mount Prospect, Ill*



## University of Missouri Student Protests: Lesson Learned

*Student protests at the University of Missouri, fortified by the threat of a strike by the university's football team, rendered the sought after resignation of the university president. The author focuses on the lesson that reform-minded athletes and faculty can learn from this dramatic event and the unionization effort by Northwestern University football players.*

By Frank G. Splitt, 11-19-15

**The sad saga** of big-time, professionalized, college sports was put on center stage with the dramatic turn of events at the University of Missouri -- albeit via the back door through the generation of a rash of related columns in prominent newspapers by respected journalists. See Nocera,[1] Gay,[2] Staurowsky,[3] and Litke.[4] where their headlines provide keys to this commentary.

When taken together, these columns must surely have officials at the NCAA cartel (the NCAA and its member institutions) and conference commissioners worried that their blatant exploitation of college athletes along with its related stream of big money could be drastically diminished, or, worse yet, terminated.

So what is the overarching lesson to be learned from the threatened strike by the Missouri football team? It's simply this: The mere threat of a strike by a revenue-producing college athletic team can not only bring about quick and decisive change, but also expose a school's real values. Here, for example, money is king, the potential loss of football revenue must be avoided at all cost.

This disruptive change mechanism could very well be independent of the merit of the case for the strike, i.e., have a weak or questionable basis. Most importantly, it could prove much more effective than the usual change mechanisms such as legal action, appeals to government entities (Congress and the Department of Education), as well as persuasive arguments set forth in Knight Commission reports, Network Programs, op-eds, academic journals, books, letters, and the like.

Can you imagine the power that can be exercised by college athletes to break free of their exploitation by the NCAA cartel? But what forces would the athletes be up against?

These forces and related mind sets are illuminated by story the behind Northwestern football players' unionizing effort in 2014 led by Ramogi Huma, president of the National College Players Association and Kain Colter, a former Northwestern quarterback, who spearheaded the effort. For background see the transcript and comments on the April 8, 2014 *PBS Newshour* program "Is 'student-athlete' a misnomer?"[5] My comment, "Kudos to the *PBS Newshour*" formed the basis for the *College Athletics Clips* Guest Commentary "NLRB Ruling on Northwestern Athletes: A Teaching Moment." [6]

The Northwestern players' effort was rewarded with the approval to unionize by the regional director of the NLRB. The effort exposed the "big-lie" – the NCAA's false claim that big-time college athletes are amateurs – first and foremost students. Simply stated, the intense professional level of practice and play required of these athletes to make the very best of them ready for the NFL or NBA leaves little time to study and renders them so tired that they miss classes or fall asleep during classes they do attend.

Nonetheless, the approval was rendered ineffective upon appeal by Northwestern. The regional ruling was not ratified by its Washington-based overseers who were, no doubt, subjected to intense lobbying pressure by representatives NCAA cartel since the case had the potential to break the NCAA's stranglehold on colleges and universities supporting big-time football and men's basketball programs by essentially classifying athletes more as employees rather than students.

How fortuitous for the cartel that it had world-class Northwestern doing its dirty work— defending the cartel's money-driven exploitation of college athletes as well as its corrupting influence on the academic integrity of many of its member schools. It should be clear that the unionization of college athletes was not about Northwestern University per se. It was about the NCAA cartel of which Northwestern is but one of many member institutions and a private one at that.

"We're glad the NLRB knew when to punt," opined the *Wall Street Journal's* editorial board, see my posted response, "The NCAA is even gladder." [7]

After the NLRB declined to ratify its regional office's ruling, Alan K. Cabbage, Northwestern's Vice President for University Relations, said the university is "pleased" by the board's decision and strongly believes "unionization and collective bargaining are not the appropriate methods to address the concerns raised by student-athletes." Notwithstanding the weak nature of Northwestern's appeal, Cabbage's statement had a familiar NCAA ring to it. For insights on the weakness of the appeal see Pat Hruby's article "Appeal to Sanity." [8]

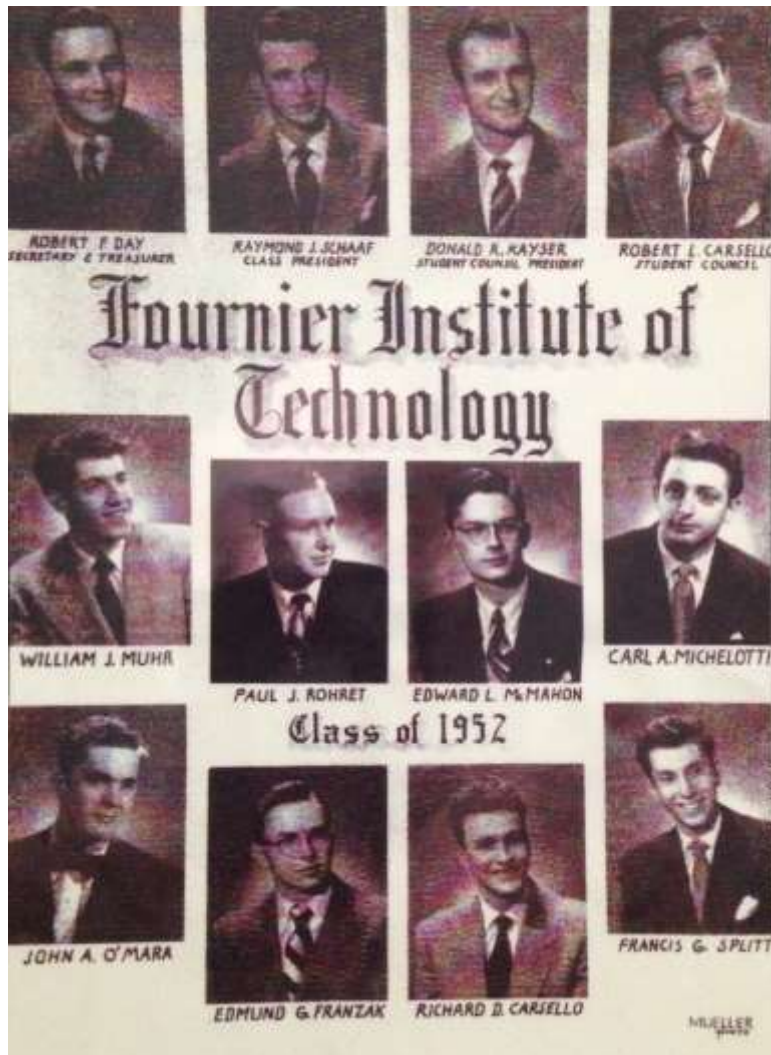
In view of the inordinate ability of the NCAA cartel to frustrate reform efforts as demonstrated in the Northwestern players' unionization effort, by virtue of its enormous legal, financial, and political resources, the following question looms large: Can college athletes rise up from seeming indentured servitude by exercising their civil right to strike so as to break the NCAA cartel's stranglehold with aims to not only bargain over issues such as medical care and practice times, but for equitable remuneration as well?

Only time will tell if such efforts can be mounted and then survive the countermeasures used to protect the ocean of money flowing to the NCAA cartel and the many others who benefit from the exploitation of college athletes.

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7. \_\_\_\_\_, "The NCAA Is Even Gladder," Posted comment on editorial "Northwestern Union Reverse," *The Wall Street Journal*, Review & Outlook, Aug. 17, 2015, <http://www.wsj.com/articles/northwestern-union-reverse-1439853812?alg=y>  
"We're glad the NLRB knew when to punt," so opined the *Journal's* editorial board. My posted comment:  
The NCAA is even gladder. The NCAA is free to continue its money-driven exploitation of college athletes as well as its corrupting influence on the academic integrity of many of its member schools.  
The NCAA works hard to protect the current "order of things." It's all about money and its power to influence events and control college athletes. The NCAA had the big money as well as political power while the union seekers had neither. Only time will tell if the NCAA's big money and political power can influence the courts.
8. Hruby, Pat, "Appeal to Sanity," *Sports on Earth*, April 15, 2015, <http://www.sportsonearth.com/article/71817698/northwestern-appeals-nlrb-ruling-on-right-of-college-athletes-to-union>





Arthur J. Schmitt, Founder of the Fournier Institute of Technology, pictured with the author's son Matthew, circa 1959



# AM I WASTING COMPANY

While studying at Northwestern's Technological Institute, I have been exposed to few facts that have proved to be of direct use in my work.

Still, I do not feel I am wasting my company's time in school.

Developing a capacity to generate new ideas rather than assimilating specific facts has been the principal objective of my graduate training. Each year of study has, I believe, increased my ability to think clearly and has developed in me a deeper scientific curiosity.

More important, graduate training has helped me develop self-discipline and self-confidence necessary to carry on, as well as direct, research in previously unexplored fields. To some, these results may appear only secondary, but they are actually the essence of my education.

From these areas has come my increased value to the company.

Working and attending classes has had advantages as far as developing

my knowledge is concerned.

The problems that confront us at Cook usually involve utilizing highly classified information, which of course is impossible for me to study in school. But at the same time, subjects I study at NU are related to and therefore helpful in my employment.

The value stems from the concepts, and the techniques and methodology perfected in the learning process.

Contracts awarded to Cook in the communications field require a considerable amount of research and analysis. If I had not engaged in a graduate program — thereby developing my capability to formulate as well as solve problems and gaining extensive practice in doing so — my ability to contribute to the success of our work would have been reduced considerably.

A man has to sit down and spend hours or even days in an attempt to solve "impossible" problems. The discipline so developed will prove to be priceless when he is confronted

with equally difficult problems in future work.

It has been this sense of discipline in a few instances that kept me from feeling I was wasting my own time in school. The time spent on language requirements, for example, I once felt could have been put to better use in research. Foreign language journals and books often appear in English editions, or can be easily translated by professional translators.

Self-confidence is essential when putting your graduate training to work on a job, and this confidence grows as a result of advanced study and research.

In my work, two things are necessary: the ability to do the job itself, and the ability to present the interim and final results of your work to the sponsoring government agency. Though self-confidence is a natural out-growth of increased knowledge and capabilities, the development of this attribute has, in my case, been aided by the opportunity to participate frequently in semi-formal classroom

*No, says Frank Splitt who works toward a Ph.D. while employed at Cook Research Laboratories in Morton Grove, Ill. There were doubts, but the hours of study are proving worth the effort.*

by FRANK SPLITT as told to Margaret Silsbee

*Vantage Magazine*

Medill School of Journalism

Northwestern University

Evanston, Illinois

## TIME IN SCHOOL?

discussions with people highly respected in engineering circles. The gaining of additional self-confidence has proved invaluable in making oral presentations for the company.

Recent years have seen the graduate programs at some of our leading universities come under fire. Time magazine (Nov. 25, 1957) carried an article entitled "The Tortuous Ph.D." in which four deans of graduate schools—Barzun of Columbia, Elder of Harvard, Hobbs of Duke, and Gordon of the University of Toronto—bemoaned the wasted energies, time and money, and the low morale resulting from the varied and often unrealistic requirements in some graduate schools.

One example given: that a candidate might work toward his Ph.D. for as long as 10 or 15 years when three years should be sufficient.

A more recent article, in the May 15, 1960, Sunday Chicago Sun Times, stated that the scholastic ladder (for graduate students) was being made

pointlessly difficult to climb.

Careful planning by my advisor, Dr. Robert E. Beam, and me has eliminated from my program most of the wastes mentioned in the Time article. This planning has allowed for independent study with major scholars.

It is unusual today for a company not to pay part or all of an employee's expenses for advanced training, provided the person follows a program related to his work. Some companies only tolerate the arrangement; others encourage it, but almost all pay for it. Because of this situation, more and more students aspiring to M.S. and Ph.D. degrees are also in business and industry.

Some questions are beginning to bother both management and students:

Are the candidates for business, engineering, and science degrees getting the most for their company's money? Are they following a program suited to the company's needs and their own capabilities? Will the effort

going into the degree be utilized to the fullest?

Alton D. Anderson, Director of Research at the Cook Technological Center where the Laboratories are located, is one of the persons responsible for promoting graduate training among Cook employees.

He says this about the dual program of study and job:

"Cook subsidizes graduate study for its employees to promote morale and improve the academic level of its research and development staff.

"Every scientist must, to work effectively, keep up with his major field, and (in industry) develop his knowledge of the application areas for his work. Periodic graduate study gives the industrial scientist a needed 'shot in the arm', motivation that improves his ability to advance in his field."

Judging from the cooperation I am receiving in all phases of my graduate program, I think my employers as well as the scientists with whom I study must agree I am wasting neither their time nor money in school.



Judy and Frank Splitt with the late Joseph Hafenschner – a life-long friend, teammate, and staunch supporter, circa 1983



University of Illinois at Urbana-Champaign College of Engineering Advisory Board's 1987-1988, Executive Committee: Front row seated: Frank G. Splitt, Gary Wells, Roger Van Heyningen, Stanley I. Weiss, Harold Sandburg, Barbara A. Kucera, Louis J. Jacobs, Back row standing: Gene Corley, Robert M. Janowiak, Porter J. Womeldorff, Richard W. Reynolds, Dean Mac E. Van Valkenburg



Top, the author pictured with Diana Lady Dougan, U.S. Ambassador for Telecommunications, at Northern Telecom's *Telecom '83 U.S. Pavilion* in Geneva, Switzerland, and with wife Judith (bottom) at Northern Telecom's *Digital World Exhibit*, October 1983. Photos by Bob Stoffels, *TE&M Magazine*.



Northern Telecom-Cook Electric Engineering Department Directors and senior staff members pictured with the author:: Donald Jaycox, Robert Young, William Brown, William Hines, David Richter, Grant Leslie, and Eric Scheitauer, 1983.



The author (center) pictured with Joseph De Marco, William Brown, Henry Antolak, and Arnold Kaplan, circa 1990



The author pictured with his PhD advisor and co-founder of the International Engineering Consortium, Northwestern Professor Emeritus Robert E. Beam, at the Consortium's 1994 50<sup>th</sup> Anniversary Ceremony.



Jack and Dorothy Terry pictured with Frank and Judy Splitt at the June 24, 1995 IEEE Honors Ceremony. Terry was the recipient of the 1995 IEEE Engineering Leadership Recognition Award in Washington DC.



The author shown with the late Richard D. Carsello, college classmate, close friend, and life-long supporter, circa 2004 – see Part 6.9



The author seen at commencement ceremonies for Northwestern University's McCormick School of Engineering and Applied Science, with Robert Barnett, Dean John Birge, and Associate Dean Stephen Carr in 2001 (top), presenting the Margaret and Muir Frey Prize for Innovation and Creativity to graduate Chanda Davis in 2003 (bottom).





Allen Sack seen presenting the *2006 Robert Maynard Hutchins Award* to the author at the Drake Group's Awards Dinner at University Place, Indiana University Purdue University, Indianapolis Indiana, March 31, 2006



Judy Splitt shown with the author's ardent supporters, the late Jim Vaughan and his wife Kay, at their home in Star Lake, Wisconsin, shortly after the *2006 Robert Maynard Hutchins Award* ceremony.



The author pictured with Rick Rothstein (l) and Joseph Heitz (r), 2014.



The author pictured with Marge & Orrie Colby, Judith Splitt and Shel Berman, 2015.



The author and wife Judith (center), pictured with Robert Tucker, John & Carolyn Jacobs, Peggy McKelvey, Carol Tucker, and Robert McKelvey, 2011



The author and wife Judith (rear), pictured with Don & Marge Wood, Darlene Stewart, Sherry (nee Stewart) Sands, and Bozena Gabzdy.



Mary Willingham, co-author of *Cheated*, with Frank and Judy Splitt in Mount Prospect, IL on April 14, 2015, prior to her book-signing event at *Bookends and Beginnings* in Evanston. *Photo by Anne Rassas.*



Frank and Judy Splitt with Sisters Pauline Wittry, FSPA, and Karen Kappell, FSPA, long-time supporters from the Marywood Franciscan Spirituality Center, Arbor Vitae, Wisconsin. *Photo by Pam Hoffman, 2015.*



Tom & Louise Gitter (left) and Sue & John Pope (right) pictured with Frank & Judy Splitt (center).



*College Athletics Clips* Editor Nick Infante (left) pictured with Sonny Vaccaro, 2013



The author pictured gifting his *Odyssey* book to the Public Library in the Town of Plum Lake, Wisconsin with Library Director Ida Nemeec (rear) and her assistant Nancy Minx (sitting), September 22, 2015.  
Photo by Wally Geist, *Vilas County News Review*.



Michael and Margaret Mangan viewing a copy of the *Odyssey* with Judy Splitt

# AMAZON BOOK REVIEWS

## **Cheated: A Tale of Profit at the Expense of Academic Integrity**

Review of *Cheated: The UNC Scandal, the Education of Athletes, and the Future of Big-Time College Sports ...* by Jay M Smith and Mary Willingham, April 19, 2015

*Cheated* is a bellwether book that tells how the University of North Carolina cheated athletes out of a real college education while it profited at the expense of academic integrity.

"To be successful, one must cheat. Everyone is cheating, and I refuse to cheat." So said former University of Chicago President Robert Maynard Hutchins when he moved to eliminate the school's football program in 1939. What is to be said about cheating after a remove of more than three-quarters of a century? Simply stated, everybody seems to be cheating in one way or another.

*Cheated* illuminates the egregious academic corruption that took place at the University of North Carolina (UNC). It was written with a definite purpose in mind, to wit: To have well-informed insiders lay bare in ground-breaking, consummate detail, the anatomy of the university's betrayal of its academic mission and consequent loss of academic integrity—cheating athletes out of a real college education.

Sadly, as the authors note, this corruption is not unique to UNC. As Hutchins said: "They all cheat." However, some colleges and universities are better than others at not getting caught. Winning at any cost is the name of the game so who wouldn't cheat to gain fame and fortune, especially when responsible parties fail to take decisive action.

I found *Cheated* to be the apotheosis of what goes on in a university seduced by the ocean of money and; related profits associated with big-time collegiate athletics. This must-read book could, in time, prove to be the undoing of big-time college sports programs supported by the NCAA and its member institutions, aka the NCAA cartel. Note that the book is not for anyone who really doesn't want to know how prize-winning, college-sports sausage is made.

"The great value of the UNC scandal was not its ability to galvanize faculty outrage but rather its demonstration of the sheer perversity of the current system. The flood of money, the pressure to win, the creation of a university brand that identified the institution addenda fight the institution with a tradition of athletic success, the customary disregard for the educational experiences of black athletes: all of these forces led sensible people to accept or overlook irrational behavior at UNC, "to normalize deviance," in the words of sociologist Diane Vaughan," say the authors.

This book is about as good as it gets when focusing sunshine on a festering wound—prompting the resurrection of two circa 2006 CLIPS commentaries that were appended as references to my comments on the False Claims Act as applied to the NCAA false claim that big-time college athletes are primarily students. These comments appeared in the March 14, 2015 College Athletics CLIPS commentary "College Athletics: On *Cheated* and the False Claims Act."

It's not likely that *Cheated* will be high on the reading lists for presidents and provosts of colleges and universities supporting big-time football and men's basketball programs. Looking the other way has been a vital part of their modus operandi and job security. What administrator wants to kill the goose that's laying golden eggs by wanting to know how their own athletes may have been, and possibly still are, being cheated of a college education? It's comforting for them to simply believe that tutors, remedial programs, and facilities are adequate not only to the task of gaining and maintaining eligibility for academically disadvantaged recruits, but also for providing these recruits an educational opportunity that they might otherwise not have.

It's also comforting for administrators to adhere to this belief even when the time demands of their athletic programs leave scant chance of seizing the educational opportunity as well as when some of their recruits are long on athletic abilities but are either short on academic abilities or lack the desire to learn. Here, the October 5, 2012, tweet by Ohio State's 2015 Rose-Bowl-winning quarterback Cardale Jones comes to mind as an example, "Why should we have to go to class if we came here to play FOOTBALL, we ain't come to play SCHOOL, classes are POINTLESS."

Today the once lonely journey to collegiate athletics reform is far from being lonely as it now has many more travelers. They include activists such as Kain Coulter, Ramogi Huma, Kadie Otto, Allen Sack, Ellen Staurowsky, and Sonny Vaccaro; authors Taylor Branch, Jason Gay, Dave Ridpath, Jay Smith, Mary Willingham, Mark Yost, and Andy Zimbalist; columnists such as Frank Deford, Pat Forde, Patrick Hruby, Mike Imren, Dan Kane, Joe Nocera, Renee Schoof, Jon Solomon, Rick Telander, and Dan Wetzel; as well as documentarians Lowell Bergman and Zach Stauffer, among many others.

Nevertheless, it is still disappointing to see the notable absence on the journey of active college and university presidents, trustees, and faculty. They remain caught between the proverbial rock and a hard place. The rock is their professional and moral obligation to protect the academic integrity of their schools. The hard place is the felt personal obligation of job protection and avoidance of retaliation by adherents of the status quo. Given the human condition, almost all have dependents and mortgages, the latter position appears locked in place unless and until the school's athletics-related commercial entertainment business is divested from its athletics department by whatever means necessary.

After finishing this well-referenced book, the reader may be hard pressed to answer the question: Who still wants to tackle biggest man on campus? The reaction to an October 5, 2005, letter to the editor of the Wall Street Journal should provide a good sense of the difficulties faced by faculty members and others who want to do right by their moral obligation to protect the academic integrity of their institution. The letter was headlined "Who Wants to Tackle Biggest Man on Campus?." It is another example of the high stakes involved when one considers the fact that the letter led to retaliation soon after its publication.

The authors provide a clear demonstration of how bringing about change in the status quo of big-time college sports is an arduous task to say the very least. However, thanks to the O'Bannon class-action, anti-trust case against the NCAA driven by Sonny Vaccaro, the National Labor Relations Board hearing on the unionization effort at Northwestern University led by Ramogi Huma and Kain Colter, Jeffrey Kessler's antitrust suit challenging the NCAA's right to limit an athlete's pay in any form, and the publication of *Cheated*, dramatic, hard-fought change will soon be taking place---biggest man on campus notwithstanding.

To learn more, the reader is encouraged to view the Chronicle of Higher Education's Brad Wolverton's March 26, 2015, interview with co-author Mary Willingham, "The Athletic Machine Is in Charge of the University," and see Sara Ganim's 's Jan. 9, 2014, CNN piece, "Women who blew whistle in student-athlete cases and what happened next." All of these women have been inspirational with some breaking ground well ahead of their time. They were all recipients of The Drake Group's Robert Maynard Hutchins Award.

Finally, on a personal note, it was inspiring to see the courage displayed by the authors as they engaged a corrupt system. I consider them to be modern-day heroes. It is comforting to see the future of collegiate athletics reform in the hands of a new generation of leaders, for example, see Paper Class Inc. On the other hand, the greatest disappointment in my 12-year collegiate sports reform odyssey, has been a perceived lack of courage and leadership on the part of elite private schools that not only shy away from leading collegiate athletics reform as was my expressed hope, but also continue to harvest gold from their sports entertainment businesses.

## AFTERWORD

*CHEATED* along with Pulitzer-Prize-Winning, Seattle Times' reporters, Ken Armstrong's and Nick Perry's *SCOREBOARD, BABY: A Story of College Football. Crime, and Complicity*, like Paul Gallico's classic, *FAREWELL TO SPORT*, are replete with disturbing facts and allegations. The authors tell equally disturbing stories about the dark side of big-time college football and basketball -- exposing a community's collective convoluted values -- while back in 1937 Gallico said "Colleges have managed to get themselves involved in a dirty and subversive business." The tale of this business is one of several dimensions and has been told in these and several other revelatory books.

The *CHEATED* and *SCOREBOARD, BABY* narratives could serve as fitting metaphors for the crime, complicity, and warped values associated with professionalized college sports in America with a one-to-one mapping of the two book's cast of local characters, organizations, and citizens onto corresponding entities on the national scene. Why so?

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 news media reporter. 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.

I believe readers will also see striking evidence of local complicity in coverups of wrong doing in Jon Krakauer's new book *Missoula: Rape and the Justice System in a College Town*.



## **A Must Read for Community and Education Decision Makers**

A Review of *Ball or Bands: Football vs. Music and Community Investments* by John Gerdy, January 7, 2015

In this, his sixth published book involving the relationship between athletics and academics, Dr. John Gerdy, author, educator, and a former NCAA Div. 1 athlete, focuses on that relationship at the junior high and high school levels where football programs are traditionally pitted against programs in the arts when funding becomes scarce and tough decisions must be made. He provides thoughtful and thorough comparative return-on-investment analyses of the educational value of football versus music programs in providing our nation's children an education befitting the complex world of the 21st century.

Gerdy writes perceptively about the decision-making dilemma faced by parents, community leaders and education decision-makers wherever they may be---ranging from the US Department of Education to state and local school boards. He says that when evaluating and deciding educational funding priorities, all should fully understand and consider the role and purpose of educational institutions in our society.

Throughout the book the reader becomes ever more aware of a thought-provoking question, to wit: What is the role of our schools and how do we best structure them to meet their fundamental purpose if that purpose is to serve societal needs by successfully preparing its members to meet the issues and challenges of the 21st Century---not those of past centuries?

For example, consider the section of the book titled "Decision Making for Today's World," (p. 216) wherein the author writes:

"It's time for parents, community leaders and education decision-makers to face reality and begin to make some difficult choices. It can no longer be denied that, as an educational tool and today's world, music programs yield a far better return on investment than football programs. That may be a harsh verdict, but it is the truth. If we are to successfully meet the many challenges of an increasingly competitive, global economic environment, we had better grasp that reality and structure our schools extracurricular activities accordingly. Football has been the elephant in the middle of the room in the school reform debate, and it is time to recognize that it no longer fulfilling its potential and promise as an educational investment. That being the case, it no longer deserves the tremendous investment we have long made in it, particularly when considered against the backdrop of the world we live in today."

I believe this book is well worth the read, especially for those that are aligned with the arts as they are usually overwhelmed at decision-making meetings by boisterous and much more aggressive sports boosters.

Gerdy notes that while many of us use art and music skills well into our old age, the vast majority of football players end their playing days after high school. he goes on to make clear that, in contrast to music's lifelong beneficial impact on lives, sports boosters are at a loss for a persuasive argument in support of the lifelong educational value of brain-scrambling, win-at-any-cost, football programs at our nation's schools. The book provides music advocates with narratives to advance that message and to make the compelling point that funding decisions at our schools should be about education and not entertainment

Finally, the timing for the book's publication was fortuitous in the sense that it coincided with the most stunning moments of the 2014 sports year: Federal rulings that are likely to have widespread impact on the entertainment businesses of big-time collegiate athletics and their feeder high schools forevermore.

The rulings by: 1) Judge Claudia Wilkin in the O'Bannon class-action lawsuit against the NCAA, driven by Sonny Vaccaro, in favor of college athletes' rights to control and profit from their names and images, and, 2) Peter Sung Ohr, a regional director of the NLRB, in a case prompted by the effort to unionize Northwestern University football players led by quarterback Kain Coulter, that Northwestern' University football players are employees of the university.

Much to the chagrin of NCAA and school officials, the NLRB ruling opens up the possibility that big-time college athletes could collectively bargain for a share of the billions of dollars that athletic departments generate. Although these rulings are under appeal, the rulings have triggered shock waves not only among officials at the NCAA and its member colleges and universities, but also among the football program boosters at feeder high schools. All fear a loss of revenue and the loss of their near absolute control over their school's athletes.

Gerdy concludes by arguing that, the results of comparative return-on-investment analyses in conjunction with new

global realities, decision makers should opt for investment in music as a core curriculum subject while transitioning popular football entertainment programs to a privatized setting disassociated from educational institutions.

This well-researched book, with its comparative analyses in multiple areas, will certainly make the defense of football programs at America's educational institutions closer to an exercise in futility than to a traditional slam dunk. It may also bring back memories of Mr. Holland's Opus, the award-winning 1995 film starring Richard Dreyfuss that is presented as a biography of the 30-year career of a high school music teacher who saw his school's art department abolished under budget pressure.

### **Concerned about the education of America's future citizens, then read this book**

A Review of *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools* by Diane Ravitch, December 06, 2013

If you want to know what's really going on with reform initiatives aimed at America's K-12 education system, then this book is a must read. Get the facts about test scores, the so-called achievement gap, The National Assessment of Educational Progress (NAEP), the Program for International Student Assessment (PISA), high school and college graduation rates, as well as learn about the problem with Teach for America (TFA), the work of the American Legislative Exchange Council, (ALEC), how poverty affects academic achievement, and much more--including solutions based on evidence, not slogans, reckless speculation, myths or manufactured crises.

"Reign of Error" extends and deepens the author's discussion of her changed thinking about education reform that began in 2010 with her book "The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education." She sees American public schools still facing the threat of reform aimed at the privatization of America's public school. The book also expands on the work of David C. Berliner and Bruce J. Biddle who defended public education in their 1995 book *The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools* wherein they attempted to debunk their self-described myth that test scores in America's schools are falling, that illiteracy is rising, and that better funding has no benefit--refuting the statistics-based studies that have led to notion that U.S. taxpayers should expect more because they pay more.

The back story is that Ravitch was once a reformer. She served as an assistant secretary of education under President George H.W. Bush and later helped develop national learning assessments under President Bill Clinton. She advocated for charter schools -- institutions run by private entities, sometimes for-profit companies, that receive public money -- and she promoted using student test scores to measure teacher performance. She backed many of the views now supported by leading reform activists, including Bill and Melinda Gates, the Walton family of Wal-Mart, and News Corps' Rupert Murdoch. That's why her contrarian views and arguments are all the more compelling.

Early in the book she writes: "The reformers are putting the nation's children on a train that is headed for a cliff. If you insist on driving that train right over the cliff, you will never reach your hoped-for destination of excellence for all. Instead, you will inflict harm on millions of children and reduce the quality of their educations. You will squander billions of dollars on failed schemes that should have been spent on realistic, evidence-based ways of improving our public schools, our society, and the lives of children."

The biggest problem with the reformers, Ravitch writes, is that there's largely nothing to reform: High school graduation rates are at an all-time high, and reading scores for fourth-grade white, black, Hispanic and Asian students were significantly higher in 2011 than they were in 1992.

In the chapter titled "Schools Don't Improve if They Are Closed," Ravitch gives an example via President-elect Barack Obama's December 2008, announcement of his choice of former Chicago Public Schools chief Arne Duncan to be secretary of education. The setting of the announcement was the Dodge Renaissance Academy in Chicago's East Garfield Park neighborhood--a significant setting since the elementary school had undergone a transformation during Duncan's stewardship of Chicago's public schools and was serving as one of the centerpieces of Duncan's brand of education reform.

In 2002, Duncan closed the chronically low-performing school, fired the teachers and handed the keys to the building to an outside nonprofit group. Opened again a year later, the school's academic performance saw near-miraculous gains on state standardized tests, despite the fact that more than 90 percent of the students came from low-income families. When presenting Duncan at Dodge, Obama made clear his intention as president to promote reforming America's public schools as part of his education agenda, saying: "He's shut down failing schools and replaced their entire staffs, even when it was unpopular. This school right here, Dodge Renaissance Academy, is a perfect example. Since the school was revamped and reopened in 2003, the number of students meeting state standards has more than tripled."

According to Ravitch, the miraculous turnaround evaporated. By 2013, Chicago school officials closed the Dodge Academy again, along with the other two elementary schools that Duncan closed and "revamped" in 2002. Note: According to its website, the school is still around, although moved to a new Academy for Urban School Leadership (AUSL) facility as one of 29 Chicago Public Schools managed by AUSL.

Today, Ravitch is one of the most outspoken advocates against school reform, including the government's No Child Left Behind (NCLB) and Race to the Top (RTT) reform initiatives. These programs support standards-based education reform--expanding the federal role in public education. In her book, *The Death and Life of the Great American School System*, Ravitch, said educators are worried that the NCLB mandate that all students meet proficiency standards by 2014 will result in the dismantling of public schools across the nation.

According to Ravitch, reformers seek to tie teacher salaries to student high-stakes (reward-punishment) test scores, recruit young and inexperienced college graduates to teach in struggling schools (Teach for America, TFA), and fund voucher programs to allow students to use public tax dollars to attend private schools. She writes that the "the transfer of public funds to private management and the creation of thousands of deregulated, unsupervised, and unaccountable schools have opened the public coffers to profiteering, fraud, and exploitation by large and small entrepreneurs."

Ravitch believes America's public school system is under attack from corporate interests and Wall Street investment firms seeking to profit off the American taxpayer via "a deliberate effort to replace public education with a privately managed, free-market system of schooling."

Although Ravitch writes with depth and passion born of experience it must be recognized that she's up against formidable adversaries--including Richard Barth, chief executive of the Knowledge is Power Program chain of charter schools, which receive funding from the Walton and Gates foundations, and Barth's wife, TFA founder Wendy Kopp, who is close allies with former D.C. schools chancellor Michelle Rhee, a former TFA teacher to whom Ravitch dedicates an entire chapter titled "The Mystery of Michelle Rhee." Ravitch also links the reformers to the influential American Legislative Exchange Council, (ALEC) which helped write legislation in several states to ease the introduction of new charter schools.

Ravitch proposes no less than 11 solutions to America's education problems, to wit:

1. Provide good prenatal care for every pregnant woman.
2. Make high-quality early childhood education available to all children.
3. Every school should have a full, balanced, and rich curriculum, including the arts, science, history, literature, civics, geography, foreign languages, mathematics, and physical education.
4. Reduce class sizes to improve student achievement and behavior.
5. Ban for-profit charters and charter chains and ensure that charter schools collaborate with public schools to support better education for all children.
6. Provide the medical and social services that poor children need to keep up with their advantaged peers.
7. Eliminate high-stakes standardized testing and rely instead on assessments that allow students to demonstrate what they know and can do.
8. Insist that teachers, principals, and superintendents be professional educators.
9. Public schools should be controlled by elected school boards or by boards in large cities appointed for a set term by more than one elected official.
10. Devise actionable strategies and specific goals to reduce racial segregation and poverty.
11. Recognize that public education is a public responsibility, not a consumer good.

"Are all of these changes expensive?" Ravitch says: "Yes, but not nearly as expensive as the social and economic costs of crime, illness, violence, despair, and wasted human talent." She believes that "an educated parent would not accept a school where many weeks of every school year were preparing for state tests....(and would not tolerate a school that cut back or eliminated the arts to spend more time preparing for state tests." She also believes that certain private schools may be models for public schools--pointing to the rich and diverse curricula at among others: Sidwell Friends in Washington, Phillips Academy in Andover, Mass., and the Lakeside School in Seattle.

I found Ravitch unsparing in her myth-busting assault on reformers that take every opportunity to exploit PISA test scores to manufacture a crisis de jour in education, scapegoat public schools while diverting school resources, bash teachers' unions, and effectively deprive teachers of professional dignity. Her arguments are backed by data including 41 charts and an abundance of explanatory notes.

Finally, here are two Ravitch inspired takeaways: 1) No matter how much we improve our public schools, great schools alone cannot solve the deeply rooted systemic problems of our society--the inevitable result of poverty, racial segregation, and underfunding is low academic performance by any measure; and 2) Protecting our public schools against privatization and saving them for future generations of American children is the civil rights issue of our time.

## Penetrating Insights from an Authentic Leader

Review of *Lee Kuan Yew: The Grand Master's Insights on China, the United States, and the World* (Belfer Center Studies in International Security) ... by Graham Allison, April 05, 2013

The book is a true gem, a must read for those interested, or, ought to be interested in world politics, economics, competition, and relationships.[1]

The Foreword is by Henry Kissinger who says: "I have had the privilege of meeting many world leaders over the past half century; none, however, has taught me more than Lee Kuan Yew, Singapore's first premier and it's guiding spirit ever since." He goes on to describe Lee as "a man of unmatched intelligence and judgment."

Graham Allison, a professor of government at Harvard's Kennedy School, and Robert Blackwill, a former U.S. diplomat, follow Kissinger's remarks with a chapter covering laudatory comments about Lee from presidents (U.S. and other), Chinese Leaders, and many others. Over many years, these world leaders, corporate CEOs, scholars and journalists have made the pilgrimage to Singapore to seek his views.

The author's go on to do an exhaustive job of plumbing the depths of a truly wise man with meticulous referencing of the voluminous quotes that form the core of this 158-page book. The source references for these quotes cover 28-pages that stem from interviews with Lee as well as from his speeches, writings and interviews with others over the years.

The book focuses on the future and the specific challenges that the U.S. will face during the next quarter century. Readers that are fairly well acquainted with U.S. socio-economic politics should not be surprised to find that Lee believes that although the U.S. is not yet a "second rate power,"...the inability of its political leaders to make unpopular decisions does not bode well for its future. "...the American voter has shown a disinclination to listen to their political leaders when they debate the hard issues ...neither the Republican nor the Democratic Party has focused on the urgent need to cut down deficit spending, especially on welfare, to increase savings and investments, or, most crucial of all, to improve America's school system to produce workers who are able to compete internationally," says Lee.

Lee sees the breakdown of civil society when individual rights are not paired with individual responsibility leading to a growing culture of entitlements. He thinks that once charity became an entitlement in the U.S., the stigma of living on charity disappeared. As a result, entitlement costs outpace government resources, resulting in huge debts for future generations. In the meantime, America's political leaders kick the can down the road to win elections. This observation brings to mind a quote usually attributed to the 18th-century Scottish historian Alexander Tytler; to wit:

"A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy."

Notwithstanding the above, Lee still remains somewhat optimistic about the future of the U.S. and its role in the world. In his view, America's "creativity, resilience, and innovative spirit will allow it to confront its core problems, overcome them and regain its competitiveness." Americans believe that they can "make things happen," and thus they usually do.

As for the BRIC nations - Brazil, Russia, India and China - Lee believes that these countries will not gain influence as a bloc over time but can prevent excesses by Americans and Europeans with China already dominating Asia and intending to become the world's leading power. Russia has been unable to develop an economy that generates wealth independent of exports of energy and natural resources. India, for the most part is a tired bureaucracy hampered by its caste system.

Lee believes China is determined to be "the greatest power in the world," and it expects to be accepted on its own terms, "not as an honorary member of the West." He also believes that China plans to become competitive by focusing on educating its young people, selecting the brightest for science and technology, followed by economics, business management, and English language. Lee's views on the high value the Chinese place on education have been and still are corroborated on a consistent basis. For example, see the April 4, 2013, issue of the Wall Street Journal for stories titled "Chinese Deluge U.S. Master's Programs" and "Hong Kong School Joined the Elite Fast." [2, 3]

Yet despite China's progress over the past 30 years, Lee sees it burdened with multiple handicaps, chief among these is an absence of the rule of law, the presence of widespread corruption, and the Chinese language itself--which "is exceedingly difficult for foreigners to learn sufficiently to embrace China and be embraced by its society," and a culture that does not "permit a free exchange and contest of ideas." He says the biggest fear of China's leaders is popular revulsion at the corrosive effects of graft.

Lee argues that while competition between the United States and China is inevitable, confrontation need not be since the Chinese have concluded that their best strategy is to build a strong and prosperous future, and use their skilled and educated

workers to out-sell and out-build all others. The U.S. shouldn't expect a democratic China: "China is not going to become a liberal democracy; if it did, it would collapse." In China's 5,000 years of recorded history, he notes, the emperor has ruled by right, and if the people disagree, "you chop off heads, not count heads."

As for Islamist extremism, Lee believes that if Iran gets the bomb, a nuclear war in the Middle East is almost inevitable, but blames Saudi Arabia for encouraging the growth of Islamist extremism by financing mosques, religious schools and preachers world-wide to spread its "austere version of Wahhabist Islam."

Lee considers North Korea to be a perennial problem, saying: "A young man, Kim Jong-un, has taken over and is trying to show the world that he is bold and adventurous as his predecessors."

These are just a few of Lee's many penetrating insights based on his experiences in life and politics

Lee's three political heroes - Charles de Gaulle, Winston Churchill and Deng Xiaoping -- do not include an American. His admiration is based on the fact that each held a weak hand at a critical moment in history and, through guts and determination, managed to win.

Lee is a firm believer that leaders are born not made, and that leaders should be judged by their accomplishments, saying "The acid test is in performance, not promises." As with his three heroes, Lee began with a weak hand in Singapore but, by playing it to maximum effect, made himself a wise man and unquestionably one of the most fascinating and respected leaders in the world.

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Endnotes:

1. I have had a special interest in the rise of Singapore and Lee Kuan Yew ever since a friend, Dr. William Schowalter, became the Senior Advisor to the National University of Singapore (NUS). Bill is a former Dean of Engineering at the University of Illinois at Urbana-Champaign. He served as the chair of the 2012 Global Asia Institute Signature Conference at NUS University Town that aimed to transcend the boundaries of geography and knowledge to resolve issues critical to the future of Asia.

2. In China, which educates approximately one-half of the world's engineers, engineering education is valued as a preparation for contributions in government, policy, innovation, intellectual property, broad engineering disciplines, and manufacturing. The study of science, technology, engineering, and mathematics (STEMs) is considered to be a patriotic duty -- providing a robust pipeline of human resources for R&D.

3. This is in sharp contrast to the U.S., where, for all intents and purposes, government at all levels stands idle while many of its most prestigious schools prostitute themselves in a mostly futile quest for fame and fortune via their sports entertainment businesses. In December 2009, Darren Everson, Hannah Karp, and Mark Yost each published a college sports story in *The Wall Street Journal* that taken together offer chilling evidence that America's colleges and universities are helping to lead the way as it slithers toward second-rate nationhood.

## **How Civilian Intellectuals Helped to Win the Battle of the Atlantic**

Review of *Blackett's War: The Men Who Defeated the Nazi U-Boats and Brought Science to the Art of Warfare ...* by Stephen Budiansky, March 24, 2013

This book is a very well-written history of submarine warfare that reads like a page-turning novel. Although the book centers on Patrick Blackett, it is by no means a biography.

The author makes a compelling argument to the effect that during World War II, Allied civilian intellectuals -- scientists and other professionals such as physicists, chemists, biologists, actuaries, and mathematicians -- made remarkable contributions to winning the war in Europe. For example, they developed a new discipline, Operations Research (OR), as well as microwave (10-centimeter/3-gigahertz) radar and other breakthroughs that are still in use today.

These civilians applied scientific thinking to battlefield situations -- teaching Allied military leaders to use their resources in as optimum a fashion as possible. They asked penetrating questions that challenged accepted naval and air-force thinking. In so doing, they revolutionized anti-submarine warfare (ASW) and made a significant contribution to winning the Battle of the Atlantic -- the linchpin for the winning of the war.

Real heroes abound. To begin there is Winston Churchill, who in the mid-1930s was a powerless Parliament backbencher. Churchill, a first Lord of the Admiralty in World War I, was a skeptic of military ways and means as well as a firm believer

in scientific methods. He made the acquaintance of the Oxford University physicist F.A. Lindemann. "Lindeman became my chief adviser on the scientific aspects of modern war," said Churchill. He lectured Churchill on ways science might help protect Britain against aerial bombardment. Churchill then pressed the government to bring in scientific advisers on military affairs as early as 1934. This led to the formation of the Air Ministry Committee for the Scientific Survey of Air Defence.

The formation of the committee opened the way for the civilians. Henry Tizard, a physical chemist at Oxford, chaired the committee that included H. E. Wimperis, the Air Ministry's director of scientific research, and his assistant A. P. Rowe, A. V. Hill, a biologist at University College, and Patrick Blackett, a future Nobel Prize-winning physicist, who was a Naval Officer during World War I and went on to prove himself to be one of the best scientific leaders of the day via his work at Cambridge under Ernest Rutherford. Much to the discomfort of many line officers, hundreds more civilian intellectuals followed in their footsteps.

The scientists were meant not so much to invent new devices as to improve the way war was waged with weapons and procedures already at hand. This was a tough assignment requiring relationship skills, because it involved telling generals and admirals how to better do their jobs. Churchill, who became prime minister in May 1940, provided strong support so that the civilians could embed themselves in military units to study real operational problems. The scientists were not very well received at the Admiralty. The civilians needed to keep a low profile. The job as Blackett would say after the war, "is to improve matters if he can, and if he cannot, to say nothing." But invent things they did.

In 1935, a group of these civilian experts began exploring the embryonic concept of "a new and potent means of detecting the approach of hostile aircraft, one which will be independent of mist, cloud, fog, or nightfall." The outcome of their efforts became known as radar--radio detecting and ranging. Churchill and the Air Ministry saw to it that England's south coast was lined with tracking stations by the time Great Britain and Germany went to war in September 1939. The Royal Navy's tradition and inbred conservatism made it uninterested in radar that was one of the keys to winning the Battle of Britain--an attitude that would deprive it of a potential early advantage against the German Navy.

Churchill's excitement over technical ideas would often get the better of him. Motivated by Lindemann, he insisted that the scientists pursue a rash of worthless, time-consuming ideas such as aerial mines that could intercept bombers and a device to create an updraft that would flip an attacking airplane upside-down.

The author rightfully claims that the scientists' greatest contribution to the war effort was forcing the military to make decisions based on data instead of tradition and intuition. Nowhere was this more important than in the Battle of the Atlantic, where German U-boats were waging a devastating war on merchant shipping - threatening the lifeline to England and the build-up for D-Day.

U-boats often operated on the surface, and were frequently spotted at close range by Royal Navy ships escorting convoys. The escorts were trained to drop depth charges 250 feet apart and set to explode 100 to 150 feet underwater and were having negligible success against the subs. Blackett, then working for the Navy's Coastal Command, asked a physicist named E.J. Williams to take on the issue. Williams showed mathematically why an escort ship following the Navy's instructions was unlikely ever to hit a U-boat. He recommended that the defenders ignore any U-boat that had been beneath the surface for more than 15 seconds. But U-boats that had just dived were to be attacked immediately with closely spaced depth charges set to explode at only 25 feet. The kill rate rose by a factor of 10.

The Coastal Command tracked the estimated location of every U-boat believed to be in the Atlantic and used a fleet of patrol planes to search for them. Knowing that U-boats usually traveled on the surface, Blackett calculated the number of sightings the planes should report. The actual number was far less, because U-boats were spotting the planes and diving before being seen. Blackett determined that the Coastal aircraft were black -- having been shifted from night bomber duty to ocean patrol. Painting the undersides of the wings reflective white made the planes harder to see, and the rate of U-boat sightings doubled.

Some of the contributions the author recounts are well known, notably the cracking of the German army Enigma codes and the more complex naval Enigma codes. It began with the help of discoveries made by three code breakers in the Polish army's cipher bureau who turned over the results of their work -- including a reverse-engineered army version of the Enigma coding machine -- to their British counterparts in Warsaw just prior to the Nazi invasion. Code breaking was an ongoing task that allowed the Coastal Command to site and map U-boat deployments, including wolf-pack formations, and so re-direct convoys out of harms' way. For good measure, the convoys were optimally designed via OR re: size and escort configuration.

The author helps the reader understand how and why OR developed as a scientific enterprise. Blackett and his fellow British scientists, and, from 1940, their American counterparts under the National Defense Research Committee headed by Vannevar Bush, showed how careful quantitative analysis could provide far better guidance for decision makers than

tradition, prejudice, and gut feeling. Concepts such as probability and optimization, honed in studies analyzing the placement of anti-aircraft batteries and the flight patterns of planes on patrol at sea, eventually made their way into business operations. Finally, the civilian heroes of World War II are seen by the author as having "an abiding faith in rationality, a basic confidence in the enduring power of arithmetic and simple probability, and a determination to vanquish an evil that they took to heart as a personal duty."

## **A Sharp Questioning of the Priesthood's Scriptural Foundation**

Review of *Why Priests?: A Failed Tradition* by Garry Wills, March 08, 2013

If you are at all interested in a painstaking review of the enigmatic New Testament's Letter to the Hebrews, this is the book for you.

Published at a time when the Catholic Church is experiencing hemorrhaging membership in America and Europe, when the number of Catholic priests is dwindling, when the power of the hierarchy over ordinary Catholics (lay and religious) continues to weaken, and when these Catholics witness the betrayal of American nuns, for example, the Vatican attack on women religious, the book will amplify serious questions on the minds of many thinking Catholics, such as: How can I trust and respect the church's dictatorial, non-pastoral leadership? and Why am I still Catholic? See *Repair My House at Repair My House: Becoming a "Kindom" Catholic and Double Crossed at Double Crossed: Uncovering the Catholic Church's Betrayal of American Nuns*.

The almost concurrent release of Alex Gibney's HBO documentary "Mea Maxima Culpa" that reveals the conspiracy related to the church's cover up of the way priests have used their positions of sacred trust to assault young boys placed in their charge as well as telling how Vatican officials at the highest level kept silent to protect the image of the church and its financial interests, makes the book a must read for thinking Catholics.

Garry Wills, a cradle Catholic, spent five years as a Jesuit seminarian. Drawing on his expertise in classical languages and his deep knowledge of ecclesiastical history, he argues that the Catholic priesthood is grounded on a foundation of sand. Wills slices and dices the Letter to the Hebrews -- of unknown authorship and addressee -- the sole reference to Jesus as priest in the New Testament. He makes the point that not only was Jesus Christ not a priest in common with Melchizedek, but that Peter and Paul were not priests as well. He asserts that the idea that Jesus left behind a priesthood to wield spiritual authority over His followers has no scriptural foundation.

What's more, Wills quotes 12th-century Abelard, who questioned the notion that God turned mankind over to a torturer and the belief that Jesus's death was a sacrifice, as follows: "It seems extremely cruel and evil to demand the death of a person without guilt as a form of ransom . . . and even more for God to accept his own Son's death as the means of returning all the world to his esteem."

Wills is of the view that the Letter to the Hebrews brought back to Christianity the centrality of animal sacrifice in the worship of God and made things worse by revalidating human sacrifice as pleasing to God. Wills says related questions raised by modern theologians haven't disturbed much of the superstructure built upon the idea of a sacrificing priest at the center of Christian religion. Consider, for example, the Catholic priest's celebration of the Sacrifice of the Mass.

The attentive and suitably disposed reader will find that Wills 'resolves' two apparent anomalies in Judeo-Christian thought. The first is the question of whether God is love or God is a ruthless tyrant that demands worship and sacrifice (animals in the Old Testament, Jesus in the New Testament). The second anomaly involves Jesus's seemingly contradictory messages to His followers, on the one hand saying, "Whoever exalts himself will be humbled, and whoever humbles himself will be exalted," and on the other hand, establishing a monarchical church to tell ordinary Catholics how to live their lives in accordance with rules and regulations many of which are wholly manmade.

Wills ends his book as he began it by saying: "I feel no personal animosity toward priests. ...I just want to assure my fellow Catholics that, as priests shrink in numbers...congregations do not have to feel they have lost all connection with the sacred just because the role of priests in their lives is contracting. If Peter and Paul had no need of priests to love and serve God, neither do we."

Finally, Wills addresses a question he often gets: Why stay a Catholic? His answer is deftly straightforward: "No believing Christians should be read out of the Mystical Body of Christ, not even papists. It will hardly advance the desirable union of all believers if I begin by excluding those closest to me."

Endnote --Not surprisingly, Wills' book has triggered strong protests from church traditionalists and officials who are apt to defend church teaching at all costs. Examples of such pushback can be found in some of the other reviews and especially in a commentary by Fr. Robert Barron, the Rector/President and Francis Cardinal George Professor of Faith and Culture at the

University of St. Mary of the Lake and the founder of the global media ministry Word on Fire. His commentary -- a flaming 15-minute rebuttal of Wills' arguments -- can be accessed via the homepage for the Word On Fire organization at [wordonfire.org].

## **Engineers of Victory: Giving Credit Where Credit is Due**

Review of *Engineers of Victory: The Problem Solvers Who Turned the Tide in the Second World War* ...by Paul Kennedy February 21, 2013

The title of the book was sure to catch my eye as an engineer with a deep interest in the history of World War II. I came to find the author employing a new approach to presenting the historiography of the war as he focuses on problem solving and related "problem solvers."

The reader will see how the "proper application" of resources led to endeavors that gave the Allies' frontline forces the instruments for winning in each theater of the war thereby tilting the overall balance toward the fulfillment of the grand strategy evolved by the Allies' government and military leaders at the January 1943, Casablanca Conference. The strategy involved the defeat Nazi Germany and fascist Italy in the Western European theater and Japan in the Far East.

The book is not about the Allied leaders but about many others who were left to work out the logistics on the ground, in the air and at sea via tactical plans, tools, and methodologies. Not necessarily engineers, they were the unsung heroes--the implementers who turned their leader's strategy into a workable reality, thereby engineering the winning of the war.

Mr. Kennedy makes an important contribution to the historical writing of World War II--concentrating on the middle years of the conflict, the end of 1942 to the midsummer of 1944 by which time the Allies were safely ashore in Normandy. This is the period during which the tide of the war changed. He structures the book around what he considers the five greatest (sometimes interconnected) problems that needed to be solved after the Casablanca Conference, dedicating a chapter to each of the problems. The chapters are titled as follows: How to get convoys safely across the Atlantic; How to win command of the air; How to stop a blitzkrieg; How to seize an enemy-held shore; and How to defeat the "tyranny of distance."

Among Mr. Kennedy's heroes are men like John Randall and Harry Boot, postdocs at Birmingham University who invented the cavity magnetron oscillator capable of delivering high-power microwave pulses that enabled the development of a much smaller-sized radar system that could be placed in aircraft as well as on smaller ships--dramatically enhancing U-boat detection and destruction.

Another hero is the American engineer and naval officer Admiral Ben Moreell who created the Construction Battalions (CBs or "SeaBees") that proved to be an invaluable asset in overcoming the Pacific ocean's tyranny of distance.

By August of 1943, the battle of the Atlantic was won---thus solving the first of the five Casablanca problems. Many other Allied problems were resolved, at least in part, by the Allied capacity to bring devastation to the Axis homelands, though at horrific cost to the bomber crews. These crews were flying much larger four-engine bombers capable of carrying the same bomb load as nine of the German twin-engine bombers that, earlier in the war, terrorized London prompting Churchill's warning to the Axis powers that their turn will come.

Kennedy believes allied initiatives, innovation, and ingenuity were consequences of better information feedback loops throughout its political-military systems, all of which encouraged problem solvers to tackle large, apparently intractable problems. He rightfully highlights the impact of the many middle managers and administrators who were able to reduce red tape and overcome the bureaucratic obstacles to ensure ultimate victory. This was clearly an advantage when most weapon systems suffered from a disturbing "natural law," to wit: the more sophisticated the instrument being built, the greater the number of "teething" troubles. The Boeing B-29 Superfortress provides but one example. The law is again on full display with the Boeing 787 commercial airliner.

The young scientists that built the war-ending nuclear weapon at Los Alamos, New Mexico are also given their just due. In the light of the 3,000 Americans killed and wounded clearing a similar number of fight-to-the-death Japanese off the tiny island of Tarawa in November 1943, one must ask what the cost would have been in American lives if the Japanese home islands would have had to be invaded against similarly fanatical resistance. The U.S. might have had to deal with losses of up to a half-million men--making the scientists working in New Mexico truly heroic in their efforts.

It was somewhat surprising to see Kennedy note the usually overlooked Polish contribution to the war effort. Notably, two Polish squadrons flew in the battle of Britain with one having the best record of any RAF squadron in this 1940 struggle; and, two Polish squadrons were given the honor of providing air cover for the June 6, 1944 Allied D-Day landings in Normandy. However, not mentioned is the fact that the Polish contribution was ignored in the post-war victory



celebrations; see the book *A Question of Honor: The Kosciuszko Squadron, Forgotten Heroes of World War II*, (Vantage Books, 2003).

I found the book to be well written with several descriptive maps and ample references that allow the interested reader to dig deeper. It was a joy to read this book as it kindled vivid memories of my youth--tuning eleven just a month before December 7, 1941--as I followed the war while growing up in one of Chicago's many Polish neighborhoods.

### **A Moving Tribute to Forgotten Heroes**

Review of *A Question of Honor: The Kosciuszko Squadron: Forgotten Heroes of World War II ...* by Lynne Olson  
February 22, 2013

I first read this book back in 2010. It was loaned to me by a close Polish friend who, when considering my paternal Polish heritage, thought I would find it of great interest--indeed I did. As a matter of fact, reading the book was a truly rewarding as well as emotional experience.

In a nutshell, British and American fears of offending the Soviets, who were then occupying Poland, relegated heroic Polish pilots to the sidelines in post-war victory celebrations. It was these very same pilots who contributed so much to the Allied war effort, especially in the Battle of Briton. The authors do a fine job in getting the reader to know several of the pilots, so their traumatic experiences in battle and in the post-war betrayal are felt on a somewhat personal level.

Therefore, it was nice to see Paul Kennedy note the Polish contribution to the war effort in his recent book *Engineers of Victory: The Problem Solvers Who Turned the Tide in the Second World War*, since the Polish contribution is usually ignored or superficially understood. Notably, Kennedy tells of two Polish squadrons that flew in the battle of Briton with one having the best record of any RAF squadron in this epic 1940 struggle; and, of the two Polish squadrons that were given the honor of providing air cover for the June 6, 1944 Allied D-Day landings in Normandy. However, Kennedy did not mention the fact that the Polish contribution was ignored in the post-war victory celebrations.

Based on the above, I decided to re-read *A Question of Honor*. Not only that, but I also plan to order a copy of my own as well as copies for family members. What better recommendation can I give for this well-written, profusely illustrated, and moving book.

### **A Must-Read for American Catholics**

Review of *Double Crossed: Uncovering the Catholic Church's Betrayal of American Nuns ...* by Ken Briggs  
February 06, 2013

The 2012 Vatican's crackdown on American nuns---specifically, the Leadership Conference of Women Religious (LCWR)--should come as no surprise to readers of Kenneth Brigg's 2006 book, *Double Crossed: Uncovering the Catholic Church's Betrayal of American Nuns*. This revelatory book should be required reading for regular pew-sitting American Catholics interested in the future of their church.

Briggs contends that although the rapid loss of religious sisters in America is partly cultural---contemporary women have more choices in work and life---in very large measure the loss can be attributed to the institutional Roman Catholic Church's betrayal of the promises of reform made by the Second Vatican Council (Vatican II).

To be sure, a cohort of those who are uncomfortable with that thesis (including some sisters who remain imbued with a pre-Vatican II sense of obedience to their superiors) may claim the book is an ad-hominem attack on bishops without nuance. Likely, the personal dignity of those in this cohort has made it difficult to accept the degree to which they were undermined by man-made rules, regulations, and hectoring emanating from Vatican officials that has them holding fast to pre-Vatican II thinking. It is often difficult, if not impossible, to break through the resistance.

Not mentioned by the author in an otherwise detailed and well referenced chronicle of the Vatican's betrayal of America's nuns, was the penetrating question asked by the late Leo Joseph Cardinal Suenens at the second session of Vatican II, to wit: "Why are we even discussing the reality of the church when half of the church is not represented here?" The institutional church's all-male hierarchy---the pope and his yes-men American bishops---were bent on maintaining control of nuns who were in effect treated as their slaves.

Abraham Lincoln had something to say about this circumstance. "In this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed, said Lincoln in 1858 when describing why Stephen Douglas was so important to the alleged pro-slavery conspiracy, going on to say, "Consequently he who moulds public sentiment, goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

Lincoln's remarks are of significant interest when considered in the light of the Vatican's crackdown on American nuns. Here, the role of the "public" is played by pew-sitting Catholics--the people of God. The role of "Stephen Douglas," the defender of chattel slavery, is played by the pope and members of the curial Congregation for the Doctrine of the Faith. The profound wisdom of Lincoln's remarks is reflected in the compelling story told in "The Abolitionists," a recent PBS program centered on the struggle to abolish slavery in America.[1]

The program provides a stark reminder that the great reform movements in American history took a lot of time-consuming effort, not only requiring strong public sentiment and decades to mature, but also requiring counters to stiff, sometimes violent opposition along the way....opposition from those with vested interests in maintaining the status quo.

To my mind the Vatican's hostile takeover of the LCWR is a scandalously- shameful, medieval-like power grab by the institutional church's all-male hierarchy. As Briggs point out, the hierarchy likely felt threatened by a band of sisters that manifests the holiness, competent leadership, and collegiality that bore witness to Vatican II reforms. These are reforms that Popes John Paul II and Benedict XVI have either ignored or subverted.

In his last chapter, Briggs quotes Sister Carol Wester, a Racine Dominican and former executive director of the National Association of Treasurers of Religious Institutes (1994-99), who told a gathering of the LCWR: "Religious life as we know it is passing away. For all practical purposes it has passed. You have an enormous responsibility to help it die well. God with it in death brings new life in unimagined ways." He likens the statement to the Jesus' parable of the mustard seed---in order for the plant to bloom, the seed must enter the ground and die, and he goes on to say that although most orders would probably die but even those that remained seemed sure to find a distinct new way of being a community of committed women carrying out a Catholic mission.

With all of the above in mind, a long and possibly lonely journey is ahead for America's remaining Vatican II oriented nuns, that is, unless and until the vast majority of America's pew-sitting Catholics overcome their characteristic apathy....apathy that does not augur well for a vibrant Catholic Church in America as well.

The reader of this book may also be interested in viewing the DVD, "Women and Spirit: Catholic Sisters in America" [2] as well as my reviews of Sister Joan Chittister's book, *The Gift of Years: Growing Older Gracefully*, Michael Crosby's book, *Repair My House: Becoming a "Kindom" Catholic*, and Andrew Greeley's two books on the making of the popes at [3].

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ENDNOTES

1. "The Abolitionists," is a three-part American Experience PBS documentary that traces the abolitionist movement across almost 40 tumultuous years and first aired on Jan. 8, 2013, <[http://www.amazon.com/American-Experience-Abolitionists-Artist-Provided/dp/B00A3THVGE/ref=sr\\_1\\_1?s=movies-tv&ie=UTF8&qid=1360187617&sr=1-1&keywords=the+abolitionists](http://www.amazon.com/American-Experience-Abolitionists-Artist-Provided/dp/B00A3THVGE/ref=sr_1_1?s=movies-tv&ie=UTF8&qid=1360187617&sr=1-1&keywords=the+abolitionists)>.
2. The DVD, narrated by Cokie Roberts, tells the virtually untold story of courageous women who exercised leadership at a time when few women had the opportunity to do so. It can be ordered online via the LCWR website.
3. <[https://www.amazon.com/gp/pdp/profile/A3927GE69M656Q?ie=UTF8&\\*Version\\*=1&\\*entries\\*=0](https://www.amazon.com/gp/pdp/profile/A3927GE69M656Q?ie=UTF8&*Version*=1&*entries*=0)>

## **A Gift for a Lifetime of Reading and Reflection**

Review of *The Gift of Years: Growing Older Gracefully* by Joan Chittister, January 16, 2013

Earlier this year (2013), the Huffington Post reported on a conversation between Archbishop Desmond Tutu and the Dalai Lama about God and Religion. Titled "God Is Not A Christian" the piece reflected wisdom seldom seen in the Roman Catholic Church that seems to be encumbered with discipline-oriented leaders who focus on orthodoxy, rules, regulations, and sex-related issues.

How refreshing it was to come across the book, *The Gift of Years: Growing Older Gracefully*, by a Catholic nun that exuded wisdom on just about all of its 222 pages. The nun, Sister Joan Chittister, OSB, is a past president of the Leadership Conference of Women Religious and is the founder of "Benetvision."

The book is structured around 41 reflections, beginning each reflection with a well-chosen, tone-setting quotation and ending with succinct remarks related to the burdens and the blessings of the end years. Although aimed at the elderly (65 and beyond), based on more than 82 years of life experience, I believe the book is a gift for a whole lifetime of reading and reflection. Chittister teaches that the end years can be the best years of our life, perhaps the time when we learn what life is actually about. Barring debilitating illness, we have an unfettered opportunity to become the best we can be and so leave the world an incrementally better place for our having there.

Because the book is so rich in insights, I found it quite difficult to put it down and take time to think deeply about each reflection -- necessitating a more thoughtful subsequent reading. It was well worth the time and then some.

Finally, in its review of *The Gift of Years*, Publishers Weekly said that Chittister is: "well-known in Catholic circles for her willingness to take on anybody -- even the pope -- in defense of women's rights." Would that the Roman Catholic Church not only had bishops who exhibit her holiness, wisdom and charisma, but also bishops who are dedicated to the service of the People of God rather than to blind allegiance to the Vatican that lacks credibility and is presently burdened with a crisis of faith in its leadership. This book is to be savored by all who think about their faith, spiritual life, legacy and ultimate destination.

### **Good book but better half as long**

Review of *Repair My House: Becoming a "Kindom" Catholic* by Michael H. Crosby, December 26, 2012

In his book, *Repair My House*, Capuchin Franciscan Friar Michael Crosby addresses the manifold crisis facing the church of the West. Among other things, the main evidence of this crisis involves a hemorrhaging of church participation as evidenced by a precipitous drop in membership and the ever-declining influence of its clerical leaders with regard to their teachings.

Among his several references to Pope Benedict XVI, Crosby says he completely agrees with the pope that the real crisis facing the church in the western world is a crisis of faith but also says he believes that "one of the key reasons for this crisis is the functioning of the historically determined structures of the Catholic Church itself and the fact that these structures do not reflect the organization within the Godhead we know to be triune."

Crosby then claims that the evidence reviewed in his book suggests that the crisis of faith in the church of the West is not about faith in the Spirit as much as it is about the lack of faith in, as well as the decline in meaning of, the "official" institutional church itself, especially its hierarchal form of governance. He also claims that the examined data suggests: "Any repair of the institutional model of the Roman Catholic Church (RCC) demands a return to the core message of Jesus' proclamation of the kingdom of God, by which I mean the rule of trinitarian connectedness that must be in evidence at all levels of life, including the governance of the church. This will demand a new way of being Catholic."

Crosby discusses these notions in three parts: Part I -- Catholicism and Apocalypse: Tradition Eclipsing Scripture, the impact of the various forms of contemporary atheism on Catholicism and the parallel crisis in the RCC; Part II -- Jesus' Dao of the Kingdom: Reclaiming the Metaphor, the need to understand this crisis in apocalyptic terms in a way that invites a return to the core evangelical message of Jesus Christ; and Part III -- The Dao of being a kingdom Catholic, The practice of seven contemporary sacramentals, the need to develop a revitalized way of being "Catholic" that entails a form of contemporary discipline that is grounded in clear cosmology that is Christ centered, consciously aware, deeply connected and connecting, contemplative in its core, compassionate in its witness, and communal in its bonding.

Unfortunately the discussions take a wobbly path throughout. A good deal of the material, especially in Part II, could have been eliminated or left to appendices. This, so as not to encumber readers with unnecessary forays into obtuse discussions of topics that do little if anything to fortify his core message.

Not to be overlooked in the maze is the author's lucid discussion, early in Part I, of the two poles on the continuum of how Catholics view church, namely: Culture I (Matthew 16) Catholics and Culture II (Matthew 18) Catholics and his discussion of the seven sacramentals in Part III that are essentially described in the appended prayer that is usually attributed to St. Francis.

I took the wobbly path making frequent referrals to the dictionary and to Google in search of the meaning of obscure words and terminology. In any case, this is a good well researched book but a difficult book to read. It brought to mind two things: 1) Occam's razor, the law of parsimony, economy, or succinctness -- a principle stating that among competing hypotheses, the one that makes the fewest assumptions should be selected, and 2) the stern-minister father in the movie *A River Runs Through It*, who on reviewing and re-reviewing the writing of his son, the young Norman Maclean, says, "Again, only half as long."

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Prayer of St. Francis: Lord, make me an instrument of your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy. O Divine Master, grant that I may not so much seek to be consoled, as to console; to be understood, as to understand; to be loved, as to love. For it is in giving that we receive. It is in pardoning that we are pardoned, and it is in dying that we are born to Eternal Life. Amen

## The Tainted Glory of College Sports

Review of *Tainted Glory: Marshall University, the NCAA, and One Man's Fight for Justice ...* by B. David Ridpath, November 20, 2012

"If you care, truly care about sports and academics -- you have to read this book," so writes former Sports Marketing Executive Sonny Vaccaro -- the driving force behind current antitrust lawsuits against the NCAA -- in his praise for Dr. Ridpath's book.

Notwithstanding the claim of former New York Times columnist Robert Lipsyte that "this is the best insider's examination of a corrupt system that I have ever read," few sport fans will really want to take the time to respond to Vaccaro's appeal. What fan wants to spoil their fun by learning about the corruption and blatant hypocrisy surrounding the NCAA and their school's college sports entertainment business?

No doubt, Ridpath's book will be considered by NCAA, college, and government officials as well as media supporters and other defenders of the status quo, as just the latest in a very long list of other revelatory books on the corruption and complicity that taints the glory of college sports - books they seem to believe are akin to attacks on motherhood and the American flag. Examples of revelatory books can be found in an appended Endnote.

New York Times columnist Joe Nocera had this to say about the author's NCAA nemesis: "The NCAA would have you believe that it is the great protector of amateur athletics, preventing college athletes from being tainted by the river of money pouring over college sports. In fact, the NCAA's real role is to oversee the collusion of university athletic departments, whose goal is to maximize revenue and suppress the wages of its captive labor force, aka the players." More insights into the NCAA can be found in Pulitzer-Prize-winning Taylor Branch's October 2011, Atlantic Monthly essay, "The Shame of College Sports."

Nonetheless, the beat goes on. Brad Wolverton's November 16, 2012, Chronicle of Higher Education article, "Need 3 Quick Credits to Play Ball: Call Western Oklahoma," describes how providing accredited 10-day online academic courses enable college athletes to satisfy eligibility requirements with a minimum of effort -- generating significant revenue for the institution. The process certainly raises serious questions about the institution's academic integrity but even more serious questions about the integrity of the NCAA's Academic Progress and Graduation Rates.

And this, a November 19, 2012, Raleigh News & Observer report detailed accusations from a University of North Carolina-Chapel Hill reading specialist about how the school and its academic support system tolerated and participated in cheating to keep athletes eligible to compete. The specialist said numerous people in the academic support program looked the other way at plagiarism and knew of the school's no-show classes that were billed as lecture classes but never met. Those classes were frequently a favorite of athletes.

Tainted Glory provides a striking example of how America's institutions of higher education have become academically adrift in a sea of sports and mediocrity. Our nation cannot compete in the 21st-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities serve as prostitutes for the sports entertainment industry -- with many focusing resources on athletics at the expense of academics so its best and most important future products could eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.

Unfortunately, the slow but sure decline of America's educational system will continue, unless and until the growth of the professionalized college sports entertainment industry is restrained 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 -- like Ridpath's encounter with the NCAA's Committee on Infractions -- such measures would be strongly resisted by the NCAA, which admits nothing and denies everything while obfuscating and litigating to the best of its considerable financial ability.

In the end, it's about glorious pageantry, rabid fans, and America's sports culture, but above all it's about enabling academic corruption, complicity and immense amounts of tax-free money. A good sense of the glory and money dimensions as well as the sports entertainment industry can be obtained by viewing CBS's 60 Minutes program segment, "Has college football become a campus commodity?" that aired November 18, 2012.

**Endnote** -- A list of revelatory books: Paul Gallico's Farewell to Sport, James Michener'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*, Ron Smith's *Pay for Play*, Mark Yost's *Varsity Green*, and Ken Armstrong's and Nick Perry's *Scoreboard Baby*.

## **A Fairy Tale for Cub Fans**

Review of *Calico Joe* by John Grisham, November 15, 2012

How could a cradle Cub fan resist being brought into a fictional version of the Cub's thrilling 1973 season when the team, managed by Whitey Lockman, was still in contention on the very last day of the regular season? (It lost the NL East championship to the Mets that last day.) The make-believe story saw the phenomenal, fairy-tale-like beginning and the tragic ending of the major-league career of Calico Joe Castle -- the Class AA replacement for the Cub's real-life first baseman Jim Hickman.

Calico Joe's short but spectacular career with Cubs provides the backdrop for a tragic story of a broken family centered on Paul Tracey, who as a young man was an adoring fan of Calico Joe. Paul was also the son of Warren Tracey, a hard-partying Mets pitcher with a 95 mph fastball and a propensity to brush off hitters, who is confronting death as the story unfolds. In the end, Paul is instrumental in catalyzing an extraordinary act of forgiveness.

Calico Joe is categorized by the publisher (Doubleday) as a novel but it's really an extended short story, better yet a novelette. The book does not quite measure up to the author's previous works on multiple levels. That said, I nevertheless enjoyed what turned out to be an interesting one-day read.

## **Conclaves Led To Great Expectations**

Review of *The Making of the Popes 1978: The Politics of Intrigue in the Vatican* by Andrew M. Greeley, October 27, 2012

Thirty-three years have passed since the publication of Andrew Greeley's first book on papal conclaves. I read the book after reviewing his second such book, *The Making of the Pope 2005*, (Little, Brown, and Company, 2005). I found the earlier book illuminating and well worth the reading time---concurring with the assessment of Garry Wills, to wit: "Greeley shows vividly what a narrow and inbred little group of men runs the church of Rome from its Vatican wasp's nest...The book is essential to any modern understanding of papal politics, and not a bad book to read for understanding politics in general."

Greeley does a superb job chronicling the events and circumstances surrounding the death of Pope Paul VI, the election of his successor Cardinal Albino Luciani whose mysterious death after only 33 days in office as the smiling Pope John Paul I led to the election of Poland's junior Cardinal Karol Wojtyla, who as Pope John Paul II became the first foreigner (non-Italian) pope since 1522.

The author's commentaries on church history and pervading issues are still relevant for those seeking to understand how the church can still be in crisis mode 34 years after John Paul II began his papacy with such promise as the most gifted pope the church has ever had. Greeley quoted Harvard's Thomas Crooks who said of Wojtyla in 1976: "one of the most impressive men I've met in my life ... an absolutely radiant personality."

Although there were great expectations for this gifted pope, his ecclesial experience was limited to monarchical structures and policies -- powerful centralized authority with no tolerance for dissent or pluralism -- that were necessary for the survival of the Polish Church under siege by a Communist government.

As Greeley commented when speaking of the coalition that was forming to support the election of Cardinal Wojtyla: "As in every coalition some participants were more likely than others to be disappointed by their favorite in the months and years after his election."

A reader of this book should not be surprised at the disappointment of many as John Paul II, in line with his Polish experience, emphasized discipline, doctrine, and tradition while undermining the reforms of the second Vatican Council (1962-65). This, in turn, gave rise to the organizational structure and governance of the contemporary institutional Catholic Church that continues to hemorrhage members....a patriarchal, non-collegial, non-democratic church focused on rules, regulations, and doctrinal orthodoxy, a church seemingly cold and unsympathetic to the issues and challenges faced by ordinary Catholics (both lay and religious) in the modern world.

The following quote from Thomas Paine's 1776 "Common Sense" applies equally well today to Greeley's comments and the many writings on reform of the Catholic Church\*: "Perhaps the sentiments contained in these pages are not yet sufficiently fashionable to procure them general favour; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason."

This book deserves to be reprinted.

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\* For example , see: 1) Gary Wills, *Papal Sins: Structures of Deceit* (Doubleday, 2000), 2) Robert McClory, *As It Was in the Beginning: The Coming Democratization of the Catholic Church*, (The Crossroad Publishing Company, 2007), 3) Matthew Fox, *The Pope's War: Why Ratzinger's Secret Crusade Has Imperiled the Church and How It Can Be Saved*, (Sterling Ethos, 2011), 4) Michael Crosby, *Repair My House: Becoming a Kingdom Catholic*, (Orbis Books, 2012), and 5) Tom Fox, "Hans Kung calls for open church revolt," *The National Catholic Reporter*, October 9, 2012.

## **Father Greeley Was Prescient Re: a Ratzinger Papacy**

Review of *The Making of the Pope 2005* by Andrew M. Greeley, October 12, 2012

It has been seven years since the publication Fr. Andrew Greeley's book, *The Making of the Pope 2005*. It now seems like a good time to review the book in the light of his lack of enthusiasm for the election of Joseph Cardinal Ratzinger to the papacy. Events subsequent to the election and installation of Cardinal Ratzinger as Benedict XVI serve as markers to measure Greeley's predictions as to the likely fallout from this papacy.

According to Fr. Greeley, the apparent aim behind Ratzinger's election was to maintain stability and continuity in the Roman Catholic Church after the 27-year autocratic reign of the widely-traveled, charismatic Pope John Paul II. Although Greeley anticipated a continuation of John Paul II's monarchical governance style, he said it was only fair to give the new pope a chance.

Benedict XVI's actions during the past seven years have provided clear evidence that Greeley was indeed prescient re: his anticipations. For example, Benedict participated in the post-Vatican II abortion and burial of the church's newborn collegiality. He also continued John Paul II's policies of appointing only yes-men bishops, emasculating bishop's conferences and synods, as well as denying the ordination of women. His crackdown on theologians and America's women religious speaks volumes about his conservative, non-pastoral leadership of the church that is ever more tightly focused on

What Greeley did not anticipate was the pope's false profession that he and his Curia are implementing Vatican II reforms while, in fact, they actively work to undermine these reforms as they tighten the reins on an increasingly patriarchal, centralized, and authoritarian form of church governance. The reader will find that despite Fr. Greeley's hopes his worst fears have either already been realized or are still coming to pass.

The book provides chronological (sometimes redundant) commentary on the 2005 conclave - a veritable short course on how not to elect the leader of some 1.2 billion Catholics. Along the way Fr. Greeley gives interesting historical insights and proposes a number of reforms. It's a must read for those interested in the future of the Catholic Church in the modern world with a view toward helping to realize the promise of Vatican II.

## **Back to the Future?**

Review of *The Name of the Rose: including the Author's Postscript* by Umberto Eco, October 15, 2012

Umberto Eco's first novel, *The Name of the Rose*, a historical murder mystery set in northern Italy at a Benedictine monastery in the year 1327, was published in Italian in 1980 under the title *Il nome della rosa*. It's an intellectually stimulating story combining semiotics (the study of signs and codes), biblical analysis, and medieval studies. I read the book shortly after the 1983 publication of William Weaver's English translation and was fascinated as well as impressed -- recommending it to family and friends. Little did I know that I would be revisiting the book some thirty years later.

The author describes monastic life in the 14th century -- touching on optics, manuscript-illumination, music, medicine, sex, priestly authority and the Catholic Church's attitude to scientific discovery and independent thought. The book covers the persecution of heretics involving extreme proponents of the rule of Saint Francis of Assisi (especially with regard to poverty) who regarded the wealth of the Catholic Church as scandalous and urged a return to a church uncorrupted by power and wealth. So-called heretical dissidents such as the Dulcinites\* were actually put to death after a trial by the Holy Office of the Inquisition -- today's Congregation of the Doctrine of the Faith (CDF).

A viewing of the same-titled 1986 movie and another, more serious, look at the book was prompted by Penney Lernoux in Chapter 13 of *The People of God: The Struggle for World Catholicism* (Penguin Books, 1989).

Lernoux suggested that Eco's book could be read as a parable about the modern church, "because the points he (Eco) makes apply as well to John Paul (II)'s Vatican. As in the Middle Ages, Rome uses theology as a weapon of cultural and political domination against the "simple" as Eco called the poor. In today's context the largest number of Catholics are "simple" people living in the Third World, particularly in Latin America, where 90 percent of the inhabitants are baptized Catholics, and two-thirds of them are poor." The book's main character, William of Baskerville, remarks on page 152, "Many of these 'heresies' . . . encounter success among the simple because they suggest to such people the possibility of a different life" -- a remark Lernoux states could serve as a definition of liberation theology that evolved in Latin America as a response to repressive governments.

Eco's points apply equally well to today's Catholic Church that is now led by Pope Benedict XVI, who as Joseph Cardinal Ratzinger served as John Paul II's prefect of the CDF, a modern-day chief inquisitor. His efforts to crush liberation theology and crackdown on theologians as well as America's women religious, speak volumes about his conservative, legalistic (non-pastoral) leadership of a Church beset by troubles and ever more tightly focused on discipline and doctrine.

The future of the institutional Catholic Church is indeed murky. It could very well be that the Church could go back to the future - akin to the medieval Church described by Eco, sans torture and burning at the stake.

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\* The main concepts of the Dulcinian "heresy" were: 1) The fall of the ecclesiastical hierarchy, and return of the Church to its original ideals of humility and poverty; 2) The fall of the feudal system; 3) Human liberation from any restraint, and from entrenched power; and 4) Creation of a new egalitarian society based on mutual aid and respect, holding property in common and respecting gender equality.

### **Fox's Book Relevant to the Times**

Review of *The Pope's War: Why Ratzinger's Secret Crusade Has Imperiled the Church and How It Can Be Saved ...* by Matthew Fox, July 07, 2012

The timing for the publication of Matthew Fox's book could not have been better. In a nutshell, it's a must read for all thinking Catholics that are grappling with the impact of the 34-year dictatorial papacies of John Paul II and the former Joseph Cardinal Ratzinger, now Benedict XVI, that have been bent on a schism-like nullification of the reforms adopted at the Second Vatican Council of 1962-1965 (Vatican II) with the aim of centralizing the power of a completely male-dominated church.

Fox chronicles his year's-long battle with the then Cardinal Ratzinger to set the stage for the expression of his views on how to take Christianity into the future to form a truly catholic (universal) Church. Fox's battle ended with his Vatican-pressured dismissal from the Dominican order of Catholic priests.

Fox, now an Episcopal priest, spares no detail in his exposure of corrupt papal and curial practices -- ranging from the betrayal of Vatican II's promises of: freedom of conscience, collegiality, and shared decision making, to the betrayal of young people who are sexually abused and the betrayal of martyrs of the church in Latin America. He also questions the papal ties to ultraconservative, right-wing organizations such as Opus Dei, the Legion of Christ, and Communion and Liberation, that are characterized by blind reverence to holy obedience, a penchant for secrecy, and strict adherence to John Paul II's no-dissent dictum, "the church is not a democracy," voiced as he crushed supporters of Vatican II reforms and Pope John XXIII's *aggiornamento*--"binging up to date"--thinking.

Fox was indeed prescient in his take on Pope Benedict XVI. This past April the pope denounced priests who have questioned church teachings on celibacy and the ordination of women and then cracked down on the Leadership Conference of Women Religious (LCWR) -- appointing a Romanized American archbishop to oversee the hostile takeover of this group. He recently named his own trusted man, a German bishop, to his old job as the prefect of the Congregation for the Doctrine of the Faith -- the Vatican's orthodoxy police, previously known as the Holy Office of the Inquisition. The appointment provides an insight into how serious the Vatican takes its takeover of the LCWR with its \$-billions in assets.

Readers of Penny Lernoux's book *People of God: The Struggle for World Catholicism* (Penguin Books, 1989) and Garry Will's book *Papal Sin: Structures of Deceit* (Image Books, 2000), will find few surprises in much of Fox's book, especially the pope's current bullying of America's women religious that is aided and abetted by right-wing sycophants in the U.S. hierarchy.

The takeaway for thinking Catholics lies in the thought-provoking last two chapters: Chapter 11-- *Toward a Truly Catholic Christianity and a Post Vatican Catholicism*, and Chapter 12 -- *Grieving, Then Acting: Twenty-Five Concrete Steps to Take Christianity Into the Future*. Thinking Catholics can also take note of Newsweek Magazine's April 9, 2012 cover that proclaimed "Forget the Church Follow Jesus"--calling attention to the issue's featured article, "The Forgotten Jesus," with

the editorial comment, "Christianity has been destroyed by politics, priests, and get-rich evangelists. Ignore them, writes Andrew Sullivan, and embrace HIM."

## **The Shame of Financial Services and College Sports**

Review of *Reckless Endangerment: How Outsized Ambition, Greed, and Corruption Led to Economic Armageddon ...* by Gretchen Morgenson, March 21, 2012

Paraphrasing the introductory remarks by the authors, Gretchen Morgenson and Joshua Rosner, I felt compelled to write this review because I see our nation's education enterprise floundering--academically adrift in a sea of sports and mediocrity.

Although this consummately researched and well written book ought to be read by every American citizen, it's a must-read for those interested in collegiate athletics reform, if for no other reason than it provides an almost perfect metaphor for the scandals, schemes, deceits, deceptions and corruption that slowly but surely are pushing many of America's institutions of higher education to the brink

Officials at the National Collegiate Athletics Association and its member institutions (a.k.a. the NCAA cartel) and plutocratic school governing boards, as well as conference and entertainment media officials are seemingly working together to recklessly endanger the foundations of higher education in America by prioritizing athletics over academics to suit their vested interests.

As in the case of the homeownership-for-all financial-services debacle, do-nothing federal officials are complicit in this endangerment by a business enterprise that is long on self promotion and short on justification for its tax-exempt status. See "Collegiate Athletics Reform: Do-nothing feds complicit in reckless endangerment of institutions of higher education," via Google.

As for self promotion, see the 3-page, NCAA advertisement, "The Business of the NCAA," in the March 12, 2012, issue of the Wall Street Journal. The ad--replete with an article by Joe Mullich, "College Athletics Build to Business Success,"--was likely aimed at offsetting the negative image of the NCAA cast by Taylor Branch's "The Shame of College Sports," pending antitrust lawsuits, and Joe Nocera's scathing op-eds in the New York Times. (For Nocera's views on the 2008 financial meltdown, see *All the Devils Are Here*, a New York Times bestseller he co-authored with Bethany McLean.)

The NCAA and its sports-entertainment businesses as well as end-of-season bowl games and the NCAA's basketball tournaments are exempted as educational institutions. The Congress and the IRS continue to treat this tax-exempt status as if it were a well-deserved entitlement--an unofficial type of "GSE," a Government Subsidized Enterprise.

Like a runaway train akin to Fannie Mae in its heyday, professionalized college sports will continue to overwhelm everything in its way while the federal government continues to operate in a dysfunctional manner--looking the other way as it supports minor leagues for the NFL and NBA by allowing big-time college athletics to benefit from a lack of oversight, favorable tax policies, and unabashed pandering by its top officials--shades of the characters in *Reckless Endangerment*.

I read a library copy and then ordered my own copy from Amazon. Why?--because the book is not only a goldmine of information on how Washington really works, but also provides deep insights into the likely modus operandi of 'connected' business enterprises. For example, here's a Ralph Nader quote taken at a time when he was complaining about the lobbying efforts of Fannie Mae officials: "It's all a matter of know-who, not know-how, they've perfected all the techniques of lobbying and pay massive salaries for Rolodex hiring to ensure against any change."

*Reckless Endangerment* is considered essential reading for anyone struggling to understand how the NCAA and its member colleges and universities supporting big-time football and men's basketball programs have maintained the status quo--foiling collegiate athletics reform at every turn.

To learn more about the college sports entertainment business, read Pulitzer Prize winning author Taylor Branch's aforementioned piece "The Shame of College Sports," *The Atlantic Monthly*, October 2011--an extended version of the article is available as an e-book at Amazon. Like Morgenson and Rosner, Branch exposes dirty secrets to the public eye. Also see my related Amazon review of *Confidence Men: Wall Street, Washington, and the Education of a President*.

Finally, to better understand the importance of education in America, see the Council on Foreign Relations Panel Report, "U.S. Education Reform and National Security," via Google. Note that the panel was chaired by Joel I. Klein, News Corporation and Condoleezza Rice, Stanford University.



Frank G. Splitt is the former McCormick Faculty Fellow of Telecommunications at the McCormick School of Engineering and Applied Science, Northwestern University.

## **A Great Gift**

Review of *High Heat: The Secret History of the Fastball and the Improbable Search for the Fastest Pitcher of All Time* ... by Tim Wendel, July 06, 2012

This book was a gift from a good friend -- prompted by my late-age (81) laments that although I'm still feeling pretty good I lost my fastball. Unlike the gifted book I was never gifted with high heat -- fast, but not quite fast enough for the majors.

The author's research formed the basis for many stories that brought back fond memories of my father's tales about Walter Johnson, Smokey Joe Wood, Christy Mathewson, and Lefty Grove -- the fireballers of his day. It also brought back fond memories of my pitching days in the Chicago Park District Old Timer's Youth Leagues, Illinois Junior College Baseball Conference for Wright City College, and the Midwest Semi-pro League.

I was fascinated by the discussions related to the American Sports Medicine Institute, especially the bio-mechanics in throwing a baseball. Like many other aspiring pitchers of my day, I would have given almost anything for an evaluation by such an institution -- that was in 1950 when I was mere lad of 19 and touted by a Chicago White Sox scout as a right-handed Billy Pierce. Not only did I find the book to be informative, but a real treat to read as well. What a gift it was!

## **Confidence Men...On Wall Street and College Campuses**

Review of *Confidence Men: Wall Street, Washington, and the Education of a President* ... by Ron Suskind  
September 28, 2011

Pulitzer Prize winner Ron Suskind's book, *Confidence Men: Wall Street, Washington, and the Education of a President*, (HarperCollins, 9/20/2011) is a brilliantly reported story about a woefully inexperienced president who was out managed by his advisors.

The book's revelations should come as no surprise to those who have viewed the informative documentaries "Enron: The Smartest Guys in the Room" (Release Date: 4/22/2005) and "Inside Job" (Theatrical Release Date: 10/08/2010, DVD Release Date: 3/08/2011).

"Enron" takes a behind-the-scenes look at the powerful energy company whose downfall forever changed the landscape of the business world--providing a lesson in the potential trappings of dishonesty and unethical behavior dogging corporate America. "Inside Job" reveals the true architects of the financial implosion of 2008--exposing most of the players named by Suskind.

Although the 9/11 terrorists failed to realize a key objective of their attack on the World Trade Center's twin towers---to cause grievous harm to the U. S. and world economies--Osama bin Laden and Al Qaeda were held accountable. However, a decade later we see from the documentaries and Suskind's book that bin Laden's objective was realized by Americans--not with a memorable catastrophic event, but over time via a combination of greed as well as a profound lack of appropriate regulation and oversight by U. S. governments led by ill-advised presidents. No one has been sent to jail or otherwise held accountable.

Yet another crisis is brewing in one of America's biggest business sectors. Many of America's colleges and universities are experiencing serious troubles with proliferating scandals in their professional sports entertainment businesses that are led by their own fat-cat confidence men. The schools have become academically adrift in a sea of sports. These crowd-pleasing businesses exhibit undisguised contempt of academic integrity and are accompanied by injustices to college athletes and massive corruption.

Corruption has, over time, warped academic missions as athletics have been prioritized over academics with dire consequences, to wit: the loss of economic competitiveness, deterioration of America's well being, as well as the erosion of its leadership position on the world stage. Nonetheless, as with AIG and the big banks, the Congress and the Department of Education consider these businesses too big to fail, so are reluctant to impose requirements for transparency, accountability and oversight.

Unfortunately we have no one to blame but ourselves with our seeming addiction to 24/7 sports entertainment and tolerance of a political class that prioritizes re-election above all else. When will we ever learn? Perhaps this will be the subject of a future Suskind book, possibly co-authored with fellow Pulitzer-Prize-winner Taylor Branch ("The Shame of College Sports," *The Atlantic Monthly*, 10/2011). In the meantime, I heartily recommend reading *Confidence Men*.

The above formed the basis for a subsequent commentary, "Confidence Men".... On Wall Street and College Campuses," that was posted as a book review on College Athletics Clips as well as on The Drake Group Website [thedrakegroup.org].

## **A Metaphor for Professionalized College Sports in America**

Review of *Scoreboard, Baby: A Story of College Football, Crime, and Complicity* ... by Ken Armstrong and Nick Perry, September 06, 2010

Ken Armstrong's and Nick Perry's SCOREBOARD, BABY 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 -- while back in 1937 Gallico said "Colleges have managed to get themselves involved in a dirty and subversive business." The tale of this business is one of several dimensions and has been told in these and the other revelatory books listed below.

Over the years, revelatory books, reports, essays, and sporadic news stories have had little if any impact on the powers that be in Washington who give every indication of being asleep at the switch. Members of Congress and presidential administrations overlook the fact that there are all too many communities and universities throughout the nation where deep investigative reporting would unearth similar problems and societal passion for professionalized and highly commercialized intercollegiate sports competition. Since there is much in our colleges and universities that is already amiss, the depth of these sports related problems and the intensity of this passion could very well be predictive of the decline and eventual fall of higher education in America from its position of world leadership.

The SCOREBOARD, BABY narrative could serve as a fitting metaphor for the crime, complicity, and convoluted 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. Why so?

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 news media reporter. 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.

For more, see Serena Golden's August 20, 2010, story based on a Q & A with the authors, ['Scoreboard, Baby' at the insidehighered website], "Scoreboard, Baby Notwithstanding, Things Do Not Bode Well for College Sports Reform in Washington," [Splitt Essays at thedrakegroup org website], Rick Telander's September 3, 2010, Chicago Sun-Times story about the Big Ten's spiel that it's expansion isn't about money," [Derisible by '10' at chicagosuntimes website], and Michael Barone's September 6, 2010, commentary on America's overstressed system of higher education, [The Higher Education Bubble: Ready to Burst? at the rasmussenreports website].

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.

## **Counterfeit Amateurs Enable College Sports Tax Scam**

Review of *Counterfeit Amateurs: An Athlete's Journey Through the Sixties to the Age of Academic Capitalism* ... by Allen L. Sack, December 31, 2008

National Collegiate Athletic Association (NCAA) rules are clear: College athletes are amateurs and should not be part of these new business enterprises." However, NCAA rules do not amateurs make, no matter how clearly NCAA rules say that college athletes are amateurs--at least not in the NCAA's big-time programs, as well as in many of their lesser programs. To claim otherwise is disingenuous at best. Allen Sack tells why this is so and how this came to be in his superb book, Counterfeit Amateurs.

Sack describes how the NCAA's bedrock amateurism principles of many years ago--which required colleges and their business partners to treat athletes like other students, and not as commodities--were long ago undermined by unrestrained commercialism and related academic corruption.

Apparently, the NCAA's tax-free moneymaking and blatant hypocrisy goes virtually unchallenged--so as to let sleeping dogs lie and not have school and government officials risk losing contributions or getting turned out of office by boosters or sports fans who are addicted to being entertained by college teams that play at a professional level by counterfeit amateurs, a.k.a. student-athletes. These counterfeit amateurs are passed off as legitimate students so as to create the illusion that NCAA operations fit the academic mission of their schools--generating \$billions of tax-exempt revenues for the NCAA and its member schools.

All the while, America's colleges and universities continue on their march of folly: defiling their academic integrity and warping their academic mission, denying academically qualified citizens access to a college education because of preferential admission of recruited athletes, fleecing American taxpayers who help pay for \$multimillion coaches salaries, jocks-only academic eligibility centers, stadiums, and arenas, as well as short changing our nation that deserves a world-class system of higher education that values academics well above athletics

This is a revealing book. The reader might very well be led to ask: How can the presiding officials at the NCAA and its member colleges and universities continue to get away with their obvious amateur lie and obvious tax scam involving the exploitation of so-called student athletes in NCAA sponsored big-time football and men's basketball programs?

Here is a must read for all members of Congress and the Department of Justice that are concerned with tax policy, but most of all for taxpayers who must bear the costs.



## THE AUTHOR



*Photo by Jennifer Heitz*

Frank G. Splitt was born in Chicago Illinois where he graduated from Annunciation Grammar School in 1944 and from Saint Philip High School in 1948. After attending the city's Wright Junior College for two years, he was awarded an Arthur J. Schmitt academic scholarship to the Fournier Institute of Technology in Lemont Illinois, graduating with a BSEE in 1952.

He holds an MSEE (1957) and a Ph.D. in Electrical and Computer Engineering (1963) from Northwestern University where he served as the McCormick Faculty Fellow of Telecommunications at the McCormick School of Engineering and Applied Science (1993-2005).

He is a member of The Drake Group, a member of the College Sport Research Institute's Advisory Committee, University of North Carolina at Chapel Hill, a member of the American Society for Engineering Education (ASEE), and was the Vice President Emeritus of Educational and Environmental Initiatives for NTI, the U.S. subsidiary of Nortel Networks, formerly known as Northern Telecom Limited.

As a Director of the International Engineering Consortium, he chaired the Consortium's Committee on the Future and its Fellow Awards Committee. He was also a member of the Accreditation Board for Engineering and Technology (ABET) inaugural Industry Advisory Council, the Institute of Electrical and Electronic Engineers (IEEE) Educational Activities Board, and the IEEE's Corporate Recognition's Committee.

His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs. He is a Fellow of the International Engineering Consortium, a Life Fellow of the Institute of Electrical and Electronic Engineers, an Eminent Engineer of Tau Beta Pi, the recipient of The Drake Group's 2006 *Robert Maynard Hutchins Award* "for his courageous defense of academic integrity in collegiate sports," and has been recognized by the state of Wisconsin for Outstanding Lake Stewardship.

His interests involve research and planning for the future of engineering education, environmental protection and conservation, and college sports reform. He and his wife Judy reside in Mt. Prospect, Illinois, and in Star Lake, Wisconsin.

A Bio & CV along with links to his essays and commentaries on college sports reform can be found at <http://thedrakegroup.org/authors/splitt-2/>.

*Future Vectors, Inc.*  
Mount Prospect, Illinois

**ISBN: 978-1- 5136-0120-5**