

# Kudos to Chairman Thomas

A CLIPS GUEST COMMENTARY

by Frank Splitt

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**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/>

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