

# 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

**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>

## 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)