

INCENTIVES ARE NEEDED TO INCREASE GRADUATION RATES OF SCHOLARSHIP ATHLETES*

*Congressman James J. Howard***

Without question, intercollegiate athletics have become an integral part of American society.¹ College football bowl games and the collegiate basketball championship are major sporting events, shown to millions of viewers on prime-time television.² The success of these activities is tainted, however, because the integrity of intercollegiate sports is being questioned. Educators, the media, and the general public have begun to view collegiate athletics with more than just a healthy skepticism.³ The sports pages of our daily papers have begun to sound like scandal sheets, with allegations of point shaving,⁴ illegal payments to amateur athletes,⁵ drug use,⁶ and illegal recruiting practices⁷ overshadowing the activities on the athletic field.

This article will address the academic neglect of scholarship athletes by some educational institutions, along with some pro-

* H.R. 2620, the College Athlete Education and Protection Act of 1985, was not released from Committee before adjournment of the 99th Congress. However, Congressman Howard has reintroduced the bill in the 100th Congress. Its new bill number is H.R. 355.

** D-N.J. Congressman Howard, the sponsor of the College Athlete Education and Protection Act, was elected to the U.S. House of Representatives in 1964. He is the Chairman of the House Public Works and Transportation Committee. Major laws sponsored include the 55-mile-per-hour speed limit, and the "Howard Plan," which combined mass transit and highway legislation into a coordinated surface transportation policy and program.

¹ See generally R. BERRY & G. WONG, COMMON ISSUES IN AMATEUR AND PROFESSIONAL SPORTS (1986).

² See NCAA v. Bd. of Regents of Univ. of Okla., 468 U.S. 85, 89-95 (1984).

³ See White, *NCAA Approves Stiffer Penalties*, N.Y. Times, June 22, 1985, at 1; White, *College Presidents Are Taking Control*, N.Y. Times, June 23, 1985, § 5, at 7; Fiske, *Going Beyond the Scandals*, N.Y. Times, June 25, 1985, at C1, col. 1.

⁴ See Farrell, *Blowing the Whistle on Men's Basketball at Tulane U.*, Chron. of Higher Ed., Apr. 17, 1985, at 27; *It's Cleanup Time for College Sports*, U.S. NEWS & WORLD REP., July 1, 1985, at 62.

⁵ See *It's Cleanup Time for College Sports*, *supra* note 4.

⁶ See *Vanderbilt's Drug Fight*, N.Y. Times, Apr. 28, 1985, § 5, at 11; *Drug Scandal Forces Out Clemson Head*, N.Y. Times, Mar. 3, 1985, § 5, at 4.

⁷ See *It's Cleanup Time for College Sports*, *supra* note 4.

posed solutions. Reports of such neglect have been widely documented: the colleges and universities of the Southwest Conference, for example, graduated just seventeen percent of their regularly playing senior basketball players in 1982;⁸ at the University of Georgia, only seventeen percent of black football players and four percent of black basketball players earned degrees in the past decade;⁹ and since 1973, not one black basketball player at Memphis State has earned a degree.¹⁰ The list could continue.¹¹

It is difficult to determine the actual extent of the problem of non-graduating student-athletes because the issue has not been satisfactorily researched. The National Collegiate Athletic Association (NCAA), which is the primary governing body for intercollegiate sports,¹² acknowledges only two scientifically-designed surveys which focus upon the graduation rates of student-athletes.¹³ The studies suggest that athletes graduate at the same or higher rate than non-athlete students in general. A review of these studies by the United States General Accounting Office (GAO), however, determined that they contained serious methodological flaws. The GAO concluded that "inappropriate data analyses in both studies mean that the reported findings cannot be used to compare the graduation rates of athletes and nonathletes."¹⁴

⁸ See *Classroom Crackdown on College Athletes*, U.S. NEWS & WORLD REP., Jan. 24, 1983, at 76.

⁹ See *It's Cleanup Time for College Sports*, *supra* note 4, at 63.

¹⁰ See Gladwell, *Dunk and Flunk*, THE NEW REPUBLIC, May 19, 1986, at 13.

¹¹ See, e.g., Underwood, *The Writing Is On the Wall*, SPORTS ILLUSTRATED, May 19, 1980, at 36-39 (detailing various infractions at numerous colleges and universities).

¹² See *NCAA v. Bd. of Regents of Univ. of Okla.*, 468 U.S. 85, 89 (1984).

¹³ National Collegiate Athletic Association Survey of Graduation Rates After Five Years for Males First Entering College in Fall 1975 (Apr. 1981) (Prepared By Institutional Services Department, Research and Development Division, American College Testing Program, Iowa City) [hereinafter cited as ACT]; Study of Freshman Eligibility Standards (Aug. 25, 1984) (Public Report, Social Sciences Division Advanced Technology, Inc., Reston) [hereinafter cited as AD TECH].

¹⁴ Letter from Eleanor Chelimsky, director of United States General Accounting Office, to Cong. James J. Howard (Sept. 10, 1985) (responding to request from Cong. Howard to review ACT and AD TECH studies, *supra* note 13). Chelimsky's letter included a data table designed to demonstrate how statistics can be misleading:

We constructed hypothetical data to illustrate how the use of different summary statistics can lead to different conclusions. In this example, four hypothetical schools A-D are equal in size and School E has a much larger student body and a

Adding to the dilemma is a societal belief that a college diploma is not really necessary due to the potential of a lucrative career in the professional sports arena. The overwhelming majority of student-athletes seeking glory and a pay check through professional sports, however, are going to fail.¹⁵ The three major team sports (football, basketball, and baseball) provide approximately 2,663 jobs for professional athletes in a nation of 226 million people, roughly half of whom are male.¹⁶ Thus, one American male in about 42,000 will become a professional athlete in one of these sports.¹⁷ Against these overwhelming odds, the chance that a college athlete will establish a professional career is highly unlikely.¹⁸ It therefore becomes even more imperative for a student-athlete to receive a viable education.

Certain institutions take the position that even if student-athletes do not graduate, they still receive valuable training which will later help them to function in society. During a recent trial focusing on academic integrity at the University of Geor-

larger number of athletes. School E is the only school that graduates athletes at rates greater than it graduates nonathletes.

Table 1
Data on Graduation Rates of Individual Students
at Five Hypothetical Schools

<u>School</u>	<u>No. of nonathletes</u>		<u>No. of athletes</u>	
	<u>Students</u>	<u>Graduates</u>	<u>Students</u>	<u>Graduates</u>
A	500	400	50	20
B	500	400	50	20
C	500	150	50	0
D	500	150	50	10
E	<u>2,000</u>	<u>500</u>	<u>200</u>	<u>150</u>
Total	4,000	1,600	400	200
% graduating (overall graduation rate)	1,600/4,000 = 40%		200/400 = 50%	

Group with higher rate: Athletes

¹⁵ "Only 2% of college athletes ever sign professional contracts in football, basketball or baseball." Barkow, *College Factories and Their Output*, N.Y. Times, Jan. 18, 1983, at D25, col. 1.

¹⁶ Edwards, *Educating Black Athletes*, ATL. MONTHLY, Aug. 1983, at 31, 32.

¹⁷ *Id.*

¹⁸ See *supra* note 15.

gia,¹⁹ the school's attorney made a startling comment: "We may not make a university student out of [an athlete], . . . but if we can teach him to read and write, maybe he can work at the post-office rather than as a garbage man when he gets through with his athletic career."²⁰

Thus, while it may seem fairly obvious that the primary purpose for attending a university is to obtain a degree,²¹ it is just as obvious that many schools are failing to accomplish this objective as far as their student-athletes are concerned. The failure of a student-athlete to receive a degree is largely the responsibility of the institution, because it is the institution which sets the priorities. At the institutions which do place academics ahead of athletics, the student-athletes will generally earn their degrees. The rules of these institutions require that athletes will first be successful students or they will not participate in athletics.

At Duke University, for example, it is unusual for athletes to be accepted with less than a solid B-average in high school and a strong performance on the Scholastic Aptitude Test (SAT).²² Over the past five years, Duke has graduated fifteen out of sixteen basketball players, and ninety-one out of 111 football players who entered as freshmen.²³ Notre Dame, which has a rich athletic tradition, has comparable graduation statistics. Texas University, home of the football Longhorns, has taken drastic steps to preserve its academic integrity: William Harris, regarded as one of the best tight ends in the country, was removed from the team and the school this year for failure to meet the school's academic criteria. While Harris did satisfy the NCAA and Southwest Conference academic requirements, Texas did not consider Harris' 1.38 grade point average (GPA) a proper measure of satisfactory academic progress.²⁴

¹⁹ See *On Trial in Georgia: Academic Integrity*, SPORTS ILLUSTRATED, Jan. 27, 1986, at 13.

²⁰ *Id.*

²¹ See, e.g., H.R. 2620, 99th Cong., 1st Sess. § 2 (1985):

The Congress finds that —

(1) the primary purpose of colleges and universities is to provide and encourage higher educational opportunities and to confer a degree.

²² See *It's Cleanup Time For College Sports*, *supra* note 4, at 64.

²³ *Id.*

²⁴ Looney, *Surprise! Athlete Treated Like Student*, SPORTS ILLUSTRATED, Sept. 22, 1986, at 46.

Duke, Notre Dame, and Texas are unfortunately the exceptions, not the rule. There are many more institutions where academics are a low priority for the student-athlete.²⁵ The previously mentioned trial involving the University of Georgia is a primary example of the academic neglect which takes place at certain institutions. The plaintiff, a remedial education instructor at the University, alleged that she was fired from her job in 1982 because she refused to give certain athletes preferential treatment.²⁶ At the trial, testimony made it clear that athletes with little hope of graduating from the university were "kept eligible in developmental studies, where they would not have to face true college-level courses,"²⁷ and a number of athletes were given more than the four chances generally allowed to pass these courses.²⁸ School records showed that several of these students "had been curiously 'exited' into the regular university curriculum despite sub -2.0 GPAs, one a 0.29, roughly [equivalent] to an F plus."²⁹ At Cal State at Los Angeles, coaches arranged class schedules for their student-athletes, "discouraging players from taking courses with substance, and becoming 'upset' if the athlete dropped courses which were certain to keep them eligible."³⁰

Obviously, when education is made such a low priority, there are repercussions on all of those athletes who participated in sports on the collegiate level, but left school without an education. These athletes were not compensated for their services—their payment was to be an education.³¹ The colleges certainly received many benefits for the services of the student-athlete, most notably, national exposure and lucrative television

²⁵ See *The Writing Is On The Wall*, *supra* note 11.

²⁶ See *Dunk & Flunk*, *supra* note 10.

²⁷ See *On Trial in Georgia*, *supra* note 19, at 13.

²⁸ *Id.*

²⁹ *Id.*

³⁰ See *The Writing Is On The Wall*, *supra* note 11, at 48. Some of the courses coaches encouraged athletes to sign up for included Water Polo, Badminton, Backpacking, and Archery. *Id.*

³¹ Seven athletes who dropped out of Cal State at Los Angeles are suing the school, its president, and their three former coaches for \$14 million, claiming that they were promised basketball scholarships, and instead received student loans, which they must now repay. They also claim they did not receive anything remotely resembling a college education. *Id.* Dr. Harry Edwards calls sport the "treadmill to oblivion rather than the escalator to wealth and glory. . . ." *Educating Black Athletes*, *supra* note 16, at 33.

contracts.³²

Colleges and universities must make a stronger commitment to educating their athletes. But these institutions have not sufficiently accepted this responsibility; therefore, pressure needs to be applied from outside sources. The federal government is one potential source of pressure.

It is not hard to find a link between the federal government and intercollegiate athletics. Collegiate athletic departments are funded, in large part, through the tax deductible contributions of individuals to alumni-type organizations.³³ These contributions are tax deductible because they supposedly "advance education."³⁴ It seems fairly obvious, then, that a school receiving a tax break for "advancing education" should advance education.

In an effort to ensure that this tax deduction would be used in the manner for which it is intended, H.R. 2620, the College Athlete Education and Protection Act (Act) was introduced in May, 1985. This legislation requires that seventy-five percent of student-athletes with athletic scholarships covering three or more years must graduate in a maximum of five years.³⁵ Failure to meet this goal would result in the removal of the tax deduction status for contributions to the athletic department at the college or university in violation of the Act.³⁶ Contributions to any organization which donates funds to the violating institution's athletic department would also lose deductible status.³⁷ The average of graduation rates for the previous five years would be used to determine the tax deduction status for the current year.³⁸

Without a doubt, the fundraising abilities of collegiate athletic programs are greatly enhanced when individuals are allowed to deduct contributions from their taxes. If these deductions are eliminated because the university fails to meet its seventy-five percent goal, then it logically follows that these donations to alumni-type organizations, or directly to the institutions them-

³² See *It's Cleanup Time for College Sports*, *supra* note 4, at 63. The final four teams in the 1985 NCAA basketball tournament each received \$708,000. *Id.*

³³ *Id.*

³⁴ I.R.C. § 170 (1982).

³⁵ H.R. 2620, 99th Cong., 1st Sess. § 3 (1985).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

selves, will decrease substantially. Thus, while the university or college in violation of the Act will not itself lose tax exempt status, they will have an incentive to comply with the requirements of the Act. As expected, the introduction of H.R. 2620 was greeted with a variety of opinions.

The reaction from the NCAA was predictable. The NCAA relied on its studies showing athletes and non-athletes graduating at comparable rates, thereby suggesting that there was not a problem.³⁹ John Davis, president of the NCAA, cited one of the studies to back up his statement that "graduation rates within a five-year period ending in 1980 were about 10 percent higher for male athletes than for students in general. The tragic cases of athletes who didn't get a good education aren't many compared with the 225,000 men and women athletes at NCAA institutions."⁴⁰ Other opponents of H.R. 2620 felt that Congress should not be involved in intercollegiate athletics at all. A typical reaction was given by Bob Atwell, president of the American Council on Education, who said: "It is inappropriate for the federal government to legislate in this area. This is a topic on which the higher education community and institutions should act, not the federal government."⁴¹ Mr. Atwell is correct in suggesting that the institutions of higher education should act. Their failure to take such action, however, is the reason H.R. 2620 was introduced. Certainly had appropriate action been taken such legislation would be unnecessary; the absence of such action gives Congress every right to become involved.

Certain members of the collegiate establishment do in fact support Congress' right to legislate in this area. Digger Phelps, the University of Notre Dame's basketball coach, has made

³⁹ See ACT & AD TECH studies, *supra* note 13.

⁴⁰ *Should College Athletes Be Paid Salaries*, U.S. NEWS & WORLD REPORT, Dec. 23, 1985, at 56 (citing ACT report); *see also*, Letter from Walter Byers, Executive Director of the NCAA, to Cong. James J. Howard (June 10, 1985). Mr. Byers' suggestion to the Congressman was that "should you elect to pursue the legislation you have suggested, it seems to me that your concern should focus on the graduation rate of all students who enroll at an institution, rather than those students who participate in intercollegiate athletics." *Id.*

⁴¹ Asher, *Bill Would End Breaks For Most Booster Donations*, The Wash. Post, May 24, 1985, at G5, col. 4.

known his unqualified support for H.R. 2620.⁴² Phelps dismisses the NCAA claims of a higher graduation rate for student-athletes, and urges other college coaches to join with him in support of the Act.⁴³ Further, federal intervention into amateur athletics has ample precedent to warrant the introduction of H.R. 2620. In 1974, Congress mandated that rules relating to athletics be included in the regulations implementing Title IX.⁴⁴ The Department of Health, Education and Welfare therefore took the position that "athletics constitute an integral part of the educational processes of schools and colleges, and as such, are fully subject to the requirements of Title IX even in the absence of Federal funds going directly to athletics."⁴⁵ Also in 1974, the Senate Committee on Commerce, while addressing a controversy between the NCAA and the Amateur Athletic Union, recognized that federal intervention into amateur athletics had become necessary. The committee concluded that "it is no longer advisable to permit elements of the present amateur sport structure in the United States to continue without substantial reform . . . [and] that needed change will not come about voluntarily, nor will further efforts on the part of the Congress to seek voluntary change be successful."⁴⁶

It would be inaccurate to suggest that the NCAA has not taken *any* steps to enact reform. In 1983, the NCAA finalized Proposition 48, a controversial plan which applied for the first time to freshman entering college in 1986.⁴⁷ Proposition 48 requires incoming student-athletes to register a 2.0 GPA⁴⁸ in a high school core curriculum of eleven subjects⁴⁹ and a minimum com-

⁴² Orr, *Top Coach Endorses Graduation Threshold*, The Star-Ledger (Newark, N.J.), June 20, 1985, at 40.

⁴³ *Id.*

⁴⁴ 40 Fed. Reg. 24,134 (1975) (to be codified at 9 C.F.R. § 86.41).

⁴⁵ *Id.*

⁴⁶ S. Rep. No. 850, 93d Cong., 2d Sess. 6-7 (1974) reprinted in Comment, *Administration of Amateur Athletics: The Time for an Amateur's Athlete Bill of Rights Has Arrived*, 48 FORDHAM L. REV. 63 (1979).

⁴⁷ Proposition 48 was designated by law 5-1(J) in the NCAA 1982-1983 Manual. It originally applied only to Division I schools, but the NCAA President's Commission has adopted a proposal to include Division II schools, thereby applying Proposition 48 to certain Junior Colleges. See *Barely Touching the Platter*, SPORTS ILLUSTRATED, Oct. 13, 1986, at 17.

⁴⁸ Based on a 4.0 scale, 2.0 is equivalent to a letter grade of C.

⁴⁹ "Core curriculum" subjects include at least three courses in English; two in

bined score of 700 on the SAT or a fifteen on the American College Test (ACT).⁵⁰ An athlete who does not satisfy these criteria will be ineligible for competition or practice as a freshman. The school may elect to keep a student-athlete on scholarship, but the athlete would then forfeit one year of eligibility.⁵¹

The reaction to Proposition 48 was immediate and diverse: some hailed it as the savior of college athletics,⁵² while others criticized it for being, in turn, racially biased,⁵³ or too lenient.⁵⁴

Proponents of Proposition 48 believe that the plan will send a message to high schools to upgrade their own academic standards, thereby sending better prepared student-athletes onto the college ranks.⁵⁵ A major problem with this reasoning became apparent with the release of a 1984 study by Clemson University faculty members which indicated that many high schools were not even aware of the new requirements, and therefore were not properly advising their athletes about them.⁵⁶ According to the survey, twenty-five percent of the responding high schools were not aware of the new requirements—a full year after Proposition 48 had been finalized.⁵⁷ Of those high schools which did know about the stricter requirements, the majority of whom supported the rule, just forty-nine percent had taken steps to inform their students,⁵⁸ and only eleven percent had implemented curriculum changes in response.⁵⁹

Criticism has also been aimed at the NCAA for placing the

Math; two in Social Sciences; and two in natural or physical science. Before Proposition 48 was enacted, an overall 2.0 GPA in any subject was all that was required. See *Classroom Crackdown on College Athletes*, *supra* note 8, at 75.

⁵⁰ The SAT score is based on a possible combined math and verbal skills score of 1600. The ACT test is based on a possible high score of 36.

⁵¹ See *The Cold Water of ByLaw 5-1(J)*, *SPORTS ILLUSTRATED*, Aug. 4, 1986, at 9.

⁵² See, e.g., *Classroom Crackdown on College Athletes*, *supra* note 8 ("University presidents see tightening standards as a way to keep sports programs in hand.").

⁵³ See *Educating Black Athletes*, *supra* note 16, at 36; *College Factories and their Output*, *supra* note 15.

⁵⁴ See, e.g., *Dunk and Flunk*, *supra* note 10, at 14 ("A 700 SAT score hardly signifies a tough stand in favor of academic excellence or a stern warning to high schools and elementary schools.").

⁵⁵ See Williams, *Raising the Grade for Athletes*, *Newsweek*, Jan. 17, 1983, at 64.

⁵⁶ See Keerdoga, *The NCAA Drops the Ball*, *Newsweek*, Apr. 9, 1984, at 99.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

onus on the high schools, while denying their own responsibility for the lack of academic success:

[Proposition] 48 does not address in any way the educational problems of students once they have matriculated, which is where the real educational rip-off of collegiate athletes has occurred. Rather, it establishes the standards of high school preparation and scholastic achievement necessary for students who want to participate in college sports as freshmen.⁶⁰

The vast majority of the criticism, however, has come from black civil rights leaders, and administrators and professors of predominantly black colleges and universities.⁶¹ Their first contention is that the NCAA did not consult blacks when Proposition 48 was being formulated.⁶² Their second claim is that the SAT and ACT are culturally biased against blacks.⁶³ At least one black scholar has advocated an equal protection challenge against the NCAA and Proposition 48 based on the use of the tests.⁶⁴ Others contend that the adoption of the use of standardized test scores was racially motivated—an attempt by white leaders of the NCAA to reduce the number of black athletes on college teams.⁶⁵ Dr. Jesse Stone, president of Southern University stated: “I know it was racist . . . the end result of all this is the black athlete has been too good . . . [t]he message is that white schools no longer want black athletes.”⁶⁶

But not all blacks are opposed to Proposition 48. Dr. Harry Edwards, a noted black sociologist and educator, supports the attempt of the NCAA to at least begin to deal with the problem of educating student-athletes.⁶⁷ His criticism of Proposition 48 does not focus on possible racial conflicts; rather, he feels that the stan-

⁶⁰ *Educating Black Athletes*, *supra* note 16, at 36.

⁶¹ *See id.* at 33; *College Factories and Their Output*, *supra* note 15.

⁶² Dr. Joseph B. Johnson, president of Grambling, stated: “There were no black institutions involved in [the drafting of Proposition 48], but they’re talking about black athletes.” *Furor in San Diego: A Testing Problem For the NCAA*, *SPORTS ILLUSTRATED*, Jan. 24, 1983, at 9. The members of the Committee which developed Proposition 48 “vehemently denied claims that no blacks were involved in the process.” *Educating Black Athletes*, *supra* note 16, at 33.

⁶³ Approximately 56% of black high school students attain SAT scores below 700. *See Furor in San Diego*, *supra* note 62.

⁶⁴ *See Yasser, The Black Athletes’ Equal Protection Case Against the NCAA’s New Academic Standards*, 19 *GONZ. L. REV.* 83 (1983).

⁶⁵ *See Furor in San Diego*, *supra* note 62.

⁶⁶ *Id.* *See also Educating Black Athletes*, *supra* note 16, at 33.

⁶⁷ *See Educating Black Athletes*, *supra* note 16, at 36.

dards stipulated are *too low*.⁶⁸ Edwards fears that black educators are communicating to black youth that the latter are not capable of achieving even the minimal requirements of Proposition 48:

Were I not to support [Proposition] 48, I would risk communicating to black youth that I, a nationally known black educator, do not believe that they have the capacity to achieve a 700 score on the SAT . . . when they are given a total of 400 points for simply answering a simple question in each of the sections of the test, and when they have a significant chance of scoring 460 by a purely random marking of the test. . . .⁶⁹

The effects of Proposition 48 on collegiate athletes cannot yet be fully measured. Still, it is possible to see a trend developing, even at this early stage. The collegiate class of 1990 has lost some of its most promising student-athletes due to the failure of these athletes to satisfy the criteria of Proposition 48: of the forty-seven players on the Parade magazine's 1986 high-school All-American football team, at least eight are ineligible;⁷⁰ five of Alabama's twenty-nine freshmen recruits will not play football in 1986;⁷¹ Illinois has lost the services of two of its most recruited basketball players, as has Michigan.⁷²

By itself, Proposition 48 is not the answer to the graduation problem. It establishes minimum entrance requirements, but says nothing about the student once he arrives on campus. Colleges and universities are still left without incentives to graduate their student-athletes. H.R. 2620 is one way to provide institutions with the needed incentives. There are other possible approaches:

1. The NCAA could tie the number of scholarships available in any sport to the number of athletes who have already graduated. Under this proposal, a school could not reuse a scholarship unless the previous recipient had graduated. This proposal would provide obvious incentives to institutions, leading to a significant increase in graduation rates.

2. The NCAA could require its member institutions to adopt an approach patterned after a program at the Center for the Study of Sport in Society at Northeastern University. Under this program,

⁶⁸ *Id.*

⁶⁹ *Id.* at 37.

⁷⁰ See *The Cold Water of ByLaw 5-1(J)*, *supra* note 51.

⁷¹ *Id.*

⁷² *Id.*

each member institution would readmit on a tuition-free basis all athletes who entered their school on athletic scholarships, but did not receive their degree. The athletes would be able to continue as long as they made progress toward their degrees.⁷³

It is true that these proposals would cost money and dramatically depart from today's status quo. Combining them with Proposition 48, however, would certainly go a long way toward ending the exploitation of student-athletes. No longer would collegiate sports be clouded with allegations of academic neglect. Adoption of these proposals would clearly illustrate that the concept of the "student-athlete" is viable and possible. It would demonstrate that youngsters with athletic talent can still receive an education as a result of their gift. And, as far as H.R. 2620 is concerned, with these proposals on the books, no one could argue that contributions to athletic departments do not advance education.

Unfortunately, adoption of these suggested approaches does not appear likely in the foreseeable future. The NCAA has been reluctant to even admit there is a graduation problem, let alone take steps to solve it.⁷⁴ Despite the GAO review showing that the NCAA's graduation studies have serious flaws, the NCAA continues to use them in an effort to hide from reality. It is unrealistic to expect an organization to take action to correct a problem that it refuses to acknowledge even exists.

I have little doubt that as long as the NCAA fails to come to grips with this problem, and as long as the media continues to detail the failure of colleges and universities to graduate their athletes, support for H.R. 2620 will continue to build: sixty-six congressmen cosponsored this legislation during the 99th Congress. From a philosophical standpoint, there is no reason for the federal government to continue to support the exploitation of college athletics by underwriting athletic programs which neglect the academic growth of student-athletes.

⁷³ See *Universities Form Consortium to Help Athletes Get An Education*, Education Daily, June 21, 1985, at 5.

⁷⁴ See *supra* note 40 and accompanying text.