

Rhodes Handicapping, or Slowing the Pace of Integration*

by

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Hardly 20 years have passed since big-time college sports were fully integrated on the playing field. Incredibly, once the barrier of color fell in those lines of endeavor, college athletics were subject to rapid and massive change, changes perhaps unparalleled in any other sector of American society, with one exception. The exception is professional sports, especially major league baseball, which underwent the change 20 years earlier still. As we know, there existed an important parallelism between professional and college athletics: the existence of all-black leagues for a long time prior to integration. All-black teams began as early as 1885. Black professional leagues were prevalent in the 1940s and existed all the way through the 1950s. Despite the fact that the quality of play in those leagues was not superior to the major leagues, they nonetheless provided a pool of star talent which had massive effects on the major leagues once integration intervened. Basketball and football showed like results. Among colleges and universities, similarly, historically black colleges and universities, while not playing at a generally higher level than the major universities, provided pools of star talent which, first, made integration of professional leagues profitable and, second, identified pools of talent available to the major universities to upgrade the quality of their play. On the field of athletic competition the national consensus seemed to declare, "integration is good for everyone." In recent years, however, second thoughts seem to have seized important decision making islands of opinion, radiating out from a command center in the National Collegiate Athletic Association.

A review of this process reveals troubling questions about the immediate future of sports integration and, more importantly, the use of testing requirements to achieve generalized social objectives rather than the development of individual opportunities. The significance of this trend cannot be overestimated in a society which stands or falls by the measure of opportunity which it makes available to individuals. In what follows I seek to clarify some of the possible and actual uses of testing (including the practical skills testing that comes on the field of play) as a means to delineate the character of the problems we have with testing today. In order to accomplish this it is necessary that we place the particular question, NCAA testing, in a broader context of challenges to and standards for

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testing. That, in turn, requires an anchor in the social reality we have to deal with.

To begin, we need to understand the sense in which we employ the word “opportunity” in our society. It may perhaps best be defined as the chance to display the ability to perform a specific job. We know, however, that our history records instances of the subordination of this highly valued dimension of American life to other social concerns. My own experience – or, more precisely, my father’s – displays an example of this process at work.

During the early years of my youth my father was employed as the captain of a commercial fishing vessel, based in the small Florida seaport town in which we lived. As fate would have it, he displayed singular talent in this line of work, with the consequent result that his earnings were for a time relatively high in the context of that economy. The effect on family living standards was positive, initially. But there was another effect, in that era of segregation and white supremacy. Powerful white citizens – or at least a powerful citizen – took offense at the visible evidence of prosperity within a black family. He exerted a pressure which, while harmful to the economic interest of the shipowner, served the purpose of limiting my father’s chances to build success upon success. The work in which he excelled soon was closed to him. Because he passed the relevant test, he lost the employment for which he was qualified. An invidious distinction had deprived him of an opportunity, as a social concern came to predominate over economic interest in this community.

A similar story could be told of countless black athletes in the pre-integration era, and today, it appears, such a story can be told of black athletes relative to NCAA-ruled college athletics. Two important developments intervened between those early days and the events of the late 1980s, however. First there came the civil rights movement, whose goal was to eliminate barriers to individual opportunity. The civil rights movement was the proximate cause of the integration of major college athletics, rather than the profit motive which had impelled professional sports. In other words, for a time social objectives coincided with the profit motive to open the door to opportunity in big-time college sports. Secondly, the civil rights movement underwent a critical inversion in the advent of affirmative action. Affirmative action produced a number of practices and inclinations, the results of which are now emerging as a threat to that breadth of opportunity which integration of college sports first opened up. The opportunities had existed on two significant levels. Particularly for the sports of basketball and football, college seemed a necessary training for entry into the professional leagues and, therefore, for access to earnings unparalleled for numerous disadvantaged youths. Further, college sports often meant displacement from a relatively limited and narrow cultural background into a broader cultural environment with relevant social and professional associations which, of themselves, could alter the calculus of opportunities for disadvantaged youths. Thus, by passing the objective test of field skills, disadvantaged youths have been able, by means of athletics, to improve their life chances.

Affirmative action, however, spawned challenges to ability testing in general and produced a culture of skepticism about test results. Test results came more and more to be treated as incommensurable between blacks and whites. Further, affirmative action led to the abandonment of the goal to guarantee individual opportunity and replaced it with the goal to *protect* classes of citizens. For our purposes, these two tendencies produced one

significant result with which we still struggle; namely, a perceived need to shield individuals from testing.

Naturally, this tendency showed up most pronouncedly in the general areas of intelligence or ability testing, but not without consequences for the kind of practical ability testing which I have described already. Even in the important 1976 case, *Washington v. Davis*, in which the Supreme Court upheld an employment test called “neutral on its face,” the Court nevertheless recognized that this general ability test was subject to Civil Rights Act restrictions requiring it to be validated for a specific job in numerous ways in order to pass legal muster. In other words, in addition to the objective results of the test, there is a further standard, which we may call the objective effects test. Before employers can utilize general ability testing within the law, they must satisfy the objective effects test, demonstrating either that the test does not have a disproportionate effect on minorities or, alternatively, that even if it has a disproportionate effect, it is specifically tailored to job requirements. This relevance standard which derives from the objective effects test would seem to be a positive step in support of general ability testing, until we reflect how difficult it may be to tailor a test to a specific job and, further, how resolutely testing itself has been subjected to inherent bias critiques. In this context, field or practical ability testing looms even more largely as a tool to qualify for opportunities.

There is an issue which makes the question inherent in this discussion perfectly clear: IQ testing in the State of California. Under a federal court ruling, no black child may be administered an IQ test by the state’s schools (although other children may take it). Significantly, the Superintendent of Public Instruction has declared, “there is no fundamental civil right to be able to take an IQ test.” Where such a test may be a means to establish one’s eligibility for an opportunity, therefore, it may nevertheless be denied to a black child by the state. And this has indeed occurred. In the case of Mary Amaya, a California mother, the state refuses to her son an IQ test on the grounds that it is “protecting” him from the bias inherent in that test.

Consider the irony: Mrs. Amaya’s son has been recommended for assignment to remedial courses. She believes that he may not require them. In an earlier, less enlightened era, an older son of hers had a similar experience. In that case, the IQ test refuted the psychologist’s subjective evaluation and the lad was spared a damaging misassignment. Mrs. Amaya would like to have such an opportunity for her youngest son, as well. It has been denied. At the Commission on Civil Rights I have been particularly sensitive to her plight. But not a single official in the state of California has responded positively. Thus, a family of at best modest means is placed in a position of having to fight off the entire legal edifice of its state and federal courts in order to guarantee an opportunity for its son. What used to be accepted as a goal of the entire society is now left to the slender powers of this single family. That is the reason I have urged others interested to participate in developing a legal defense fund for Mrs. Amaya. I am happy to report that Dr. Jerome Sattler at San Diego State University has undertaken this task.

But what does this story demonstrate for our purposes: the supposed shield for disadvantaged youths and adults has become a strong rod to punish or prohibit ambition. Where objective measures in the past had vouchsafed occasion for individuals to vindicate themselves, today subjective measures have been forced to the forefront, restored to the role they played in the discrimination against my father. When we reflect that an op-

portunity denied is an opportunity lost – and this is nowhere more true than in the field of testing – we can measure the importance of these developments. For academic or intellectual opportunity is barred by denial of access to instruments of measurement and evaluation, whether in employment or education.

The development of a youth is an organic process. What takes place at one age inevitably conditions the succeeding age. The bar to IQ tests today may well show up as diminished performance on the Scholastic Achievement Test tomorrow (at least, until persons are equally “protected” by law from the objective assessment of the SAT). This, in turn, may potentially bar a youth not only from academic opportunity but also from athletic opportunity. This results from the institution within the NCAA of the now infamous Proposition 48.

Let me set one thing forth very clearly at once: I do not question the pervasive testimonials as to the good effects of minimum standards on student athletes, especially in high schools. Indeed, I applaud these results, even while reminding their authors that they are practicing a form of sleight-of-hand which ultimately harms education itself. Thus, the theses set forth in the report, “The Student-Athlete,” illustrate not only the author’s encomiastic appraisal of minimum standards, but the very Rhodes-effect I seek to describe. The theses are:

1. Grades will improve with increased academic standards.
2. Those who participate in extracurricular activities do much better academically than those who do not.
3. Coaches will rally to assist their players academically if standards are in place.

These theses are all true, but we must consider what they would imply if, as in most of the world, athletics were not a part of the school curriculum. In effect, athletes would no longer be an accidentally distinguished class, set apart from other students for special care and requirements. In that case, the athletes who are weaker academically would have to share the neglected fate of their fellow nonparticipating, weak students. We have no reason to think that such added attention is good for athletes but not for other students. Nor can we present a compelling moral justification to discriminate in favor of athletes in offering such benefits. Indeed, the only apparent justification would seem to be the Rhodes myth; that is, non-athletes may fail, but athletes are not supposed to. As Lapchick puts it, it is an attempt to eliminate “dumb jock culture.”

The case of Proposition 48 complicates our analysis of testing. In this case, an academic test is made the gateway to athletic performance; that is, the relevant ability testing, the field test, is subordinated to the academic test. There may be valid reasons for this move, certainly within any particular institution which evinces a primary concern for its academic program. But athletics is also a job, one for which the question of relevant testing is no less urgent than in the Washington police force. Thus, while the case of Proposition 48 seems to be the opposite of the general trend – a test requirement rather than a prohibition – it opens up some of the same questions.

In the first place, Bylaw 5-1-(j) has the same ghettoizing impact as California’s ban on IQ tests. The rule calls for prospective athletes to arrive at their universities with a 2.0 grade point average (or its equivalent) and a minimum SAT score of 700. The ration-

ale for the rule is that athletes require to be students first, not just at any particular institution but throughout the nation. Thus, the NCAA as an organized cartel determines the conditions of participation, and hence the opportunities, for every participating institution in the country. To assess the impact and significance of this rule, one may note that William Perry, now of the Chicago Bears and formerly at Clemson University, would not have qualified for university eligibility had Rule 48 been in effect before he enrolled.

At Clemson University, in fact, Professors Robert McCormick and Roger Meiners have argued that Rule 48 systematically discriminates against black athletes and historically black colleges and universities. They describe the rule as a device to minimize in relative terms the import of field ability for the purpose of awarding scholarships, thus achieving a shift toward the more academically qualified and toward white athletes. In other words, although Rule 48 has the look of a testing requirement, it is actually a way around a testing requirement as it is applied. Not only has it demonstrably reduced the recruitment and enrollment of black athletes in big-time college sports, it has the further potential to depress the quality of play (and hence available pools of star talent) at historically black colleges and universities.

I do not write in opposition to serious academic standards, including testing. It is rather the policy of holding athletes hostage to general curricular failures on a generalized basis that leaves no room for individual institutions to chart their own courses. I would support any given institution's decision to restrict admission to students with 1100 or better SAT scores, no matter what other talents they had. I could with equal fervor support any given institution's decision to form its classes on a different principle. I would do so because it has long since been clear that the value of college may be calculated in different ways, and because there is considerable value in offering defined opportunities to nontraditional students. If a superb athlete, otherwise a weak student, gained nothing more than opportunities for mobility and networking he would otherwise have missed altogether, his college career would have been a net benefit. This puts a different face on Lapchick's concern for "the 99 out of 100 who won't even get a chance to play at a Division I college" and whom he calls the "worst tragedies." Their futures are in even greater "jeopardy" by being denied *any* opportunity than by being "cheated out of their educational skills." The institution which would choose to offer *some* benefit is unfairly penalized when it is denied the opportunity to compete in the area in which it, and its athletes, may excel.

Important authorities, such as Chancellor John Slaughter at the University of Maryland, insist that Rule 48 is a means of placing academics and athletics in appropriate perspective. I consider such arguments as entirely sincere and find them consistent with a just appreciation of the role that testing should play in our society. It is far less clear, however, why such arguments should shape not only the program at the University of Maryland but also at Grambling University. It becomes far less clear when we are mindful how many nonacademic opportunities may be affected by the blanket imposition of such a rule. Will anyone make the further argument that William Perry is worse off for having gained the opportunity to earn a substantial return on his specific skills, even if he should not win a Nobel prize in literature?

Accordingly, I must dissent from the opinion of Robert Atwell, President of the American Council on Education, who accepts the effect of Rule 48 on black athletes as

not so bad, because “they’re headed where they can establish themselves academically.” What Atwell neglects is that this reasoning means one thing only: the individuals and institutions charged with capturing these “students” systematically fail to do so. Rather than to face up to that, and correct it – rather than to punish themselves, that is – they then punish the students precisely because they do something else well, namely athletics. Athletes no more become students in the true sense through the deprivation of athletics than do students become athletes through the deprivation of academics. To make a student an athlete, one must train him; to make an athlete a student, one must teach him. In each case, the appropriate reward is best measured to the specific skill, not to a surrogate. The reason for this is simple enough: when the reward for excellence does not reflect the specific excellence (as when profit in business does not follow specific business practices), it undermines the incentive to strive. Ultimately, that may be what Atwell wishes, since he aims also to mirror in athletics what has largely transpired already in academics, namely, to eliminate merit scholarships.¹ I would speculate, however, that the radical decline of academic merit scholarships has much more to do with the teaching failures of many institutions than does the prevalence of sports, in which almost alone today the individual may distinguish himself by his abilities rather than a paternalistic conception of his need.

Consider, further, that the intention to protect young black students from the false ambition to become professional athletes is singularly misguided. To be certain, many athletes – of every race – will be disappointed in that ambition. The world’s armchair quarterbacks are not autochthonous. An ambition is not false, however, for being unrealized. The spirit of emulation is a prime engine of civilization, and we would do better to raise up other, still nobler standards than to attack this worthy human striving. Besides, the truth is that it is not athletics alone which poses this peril. Has anyone ever toted up the number of would-be presidents who became lawyers for no better reason, and who will not only fail even to come close to being president but will in fact close out rather mediocre and unfulfilled careers? The way to deal with great and unrealistic ambitions is to dowse them with the cold water of reality – not to remove the alluring object.

There are further questions which relate directly to the future practice of testing in our society. We know that the SAT, which is essential to Rule 48, is under a strong challenge. It is accused of bias not only with respect to minorities but also with respect to women. Do we not enhance the interest to attack the instrument, the test itself, by employing it for purposes not directly related to its appropriate use? Big-time college sports is a lucrative business. As such it seems rather disingenuous to pretend that it is primarily an academic undertaking. The SAT delivers a message about academic accomplishment and potential but not about athletic prowess. If every athlete were indeed a fine scholar,

¹ *Chronicle of Higher Education*, September 2, 1987, p. A94. Atwell confirmed this interpretation of his objectives in the *Chronicle of Higher Education*, November 25, 1987, p. A25: In addition to calling for basing athletic scholarships on need. Atwell now has “called on colleges to stop using standardized tests in admissions decisions.” “Mr. Atwell said colleges could make their admissions decisions based on grades, teacher recommendations, and student essays. Standardized tests such as the S.A.T. are useful for ‘diagnostic purposes,’ Mr. Atwell said. For example.... he supports the use of the S.A.T. to determine eligibility of freshmen to play on intercollegiate academic teams.” The combination of basing athletic scholarships on need and athletic admissions on S.A.T. scores would eliminate entirely any conception of athletic merit as a foundation for appropriate reward.

we might all celebrate so happy a conjunction. We cannot make it so by subordinating athletic prowess to the SAT. Gretchen Rigol presents only one side of the current dilemma, therefore, when she defends the test against the bias charge:

Tests help reveal differences. It is important that we all work together to wipe out the cause of these differences, rather than blame the messenger for bringing home an uncomfortable truth about unequal academic preparation. [*The College Board News*, Summer 1987, p. 3]

The College Board might well contribute best to the defense of the SAT by discouraging such uses as the NCAA now makes of it. For the messenger is far the more likely to be shot when he returns with a message he was not assigned to carry.

The real subject of testing is individual merit – whether academic or otherwise. Our real concern is to defend a society in which merit can defend itself and reap the rewards appropriate to it. It is certainly an ironic twist of fate that many American blacks of years past dreamed of the day when they could be judged solely on their merits, by objective assessments. The confidence was high that such a situation would produce an integrated society and vindicate the expectations of American blacks that they could compete with any human beings. We note, however, that as integration has increased in our colleges, merit scholarships have virtually disappeared, with the sole exception of athletics. And there where they have been retained, they are now being cut back, leaving the relative merit (athletic prowess) subordinate to testing scores. Since it is mainly blacks whose merit is thus unrewarded, at the same time as, when they score well on tests, there is no compensating merit reward on the academic side, the independent observer might well suspect the motivations behind these developments.

Based on my own nonselective survey of administrators and athletic directors at 23 schools (from Division I through II and including schools from the PAC-10, MEAC, BIG-8, Big10, WAC, ACC, SCAC, Southwest, Southwestern, and other conferences – including four historically black colleges or universities), it is plain that Rule 48 enjoys general support (with a few notable exceptions) but has spawned considerable uncertainty. All but two of the schools have implemented the rule.

Even while supporting the rule, nine schools indicated that it has not strengthened their programs, while only eight say that it has. Eleven schools confirm the general impression of reduced pools of eligible players, primarily black, and seven admit to a shift in their recruiting focus. Further, a majority of the institutions (13) say on their own knowledge that the rule has a drastic impact on black athletes, while 18 affirm that *prior* to Rule 48 their athletes graduated at a rate the same as or higher than their non-athletes. Thus, while the benefits of the rule are uncertain, its costs are quite clear. Universities attach great importance to athletics (a fact supported by the evidence that 17 of our respondents report coaches' salaries at least in the major sports substantially higher than standard faculty salaries). This can only underline the question as to why the provision of benefits to athletes are so severely restrained (apart from special tutoring programs).

My survey further confirms the suspicion of McCormick and Meiners that at least some schools are aware that, at certain schools, the logic of Rule 48 is to require that their athletes be their best students. In that situation not only individual athletes but entire schools are penalized. The penalty is not, as some advocates would urge, the upgrading

of their *status quo ante* academic programs; the penalty is rather to be proscribed from competing athletically as well as academically. In this sense, even the raves about high school minimum standards are misleading – for they fail entirely to account for the no-shows. That team numbers stay up, along with academic performance, may only reflect the re-norming of athletic qualifications over the long term and a consequent filling of open slots with personnel who otherwise may have been cut. In short, present statistics rather reflect a displacement than a fulfillment of opportunities.

This is perhaps a legacy of affirmative action, if not of something worse. Consider the following scenario: it is far from unheard of that academically talented blacks show reluctance to reveal their race on college applications. They sometimes prefer that their records and test scores speak for them, just as athletes prefer that their skills should speak for them. Imagine, then, the case in which a talented black applied to an elite institution. His record clearly qualified him for admission, though he is not simply the strongest applicant. His record clearly fell among the best applicants but somewhat in the middle of that select pack. When admissions decisions were made, the best were chosen up to a number just short of his name. Then, for the sake of class diversity, affirmative action considerations entered. Chosen above our talented black applicant was an applicant whose record was marginal but who identified himself as black. As the class is completed, the black applicant who could compete in the class was omitted while the student who will experience considerable frustration was included. Result: a student who could have been a star in a lesser institution is doomed to a frustrated career and feelings of inferiority, while a student who could have held his own and perhaps have excelled must go elsewhere. An imaginary tale? No, it actually happened. In this scenario, where test scores could serve the purpose of discriminating relevantly and effectively, they are neglected in favor of invidious discrimination. In big money athletics, by contrast, we rely on those test scores precisely where they are least relevant, and ignore the standards of merit which should apply, again discriminating invidiously. In short, we refuse to use test scores where we should, and insist on them where we should not. Is it any surprise, then, that testing is under challenge and greatly suspected by individuals and families whose fates are greatly affected by it?

This pattern of confusion shows through the entire NCAA apparatus, not just in Rule 48. NCAA rules, while boasting academic intentions, actually undercut academics. For example, a student may lose his scholarship for poor athletic performance, no matter what his academic record; universities may not pay for summer school or other forms of tuition support; athletes may not be given pre-enrollment tutoring by the university; and there is a strict limit on the number of scholarships that can be offered, without regard to the number of academically qualified athletes available. I would be surprised if I were alone in suspecting that the desire to encourage merit could not underlie such an edifice.

I have tried to conceive what reason we might have for having developed what is an apparently incoherent approach to merit in our society. I can conceive no solid reason, save one that is troubling to consider. The vision of Cecil Rhodes, to unite the English-speaking world, Britain, the United States, and the Commonwealth, in an empire of “intellectual, moral, and athletic excellence” seems to have taken on an unrealistic life of its own, even after his Rhodesia has become Zimbabwe. Moved as we legitimately are by the image of the Rhodes Scholar, the athlete in horn-rimmed glasses, statesman, scholar,

and Olympian, we seek now to persuade ourselves that all true athletes are scholars – or, that athletic prowess reaches its peak with scholastic excellence. Would that it were so. So noble an ideal could inspire far more than stirring cinema.

We deserve the ideal, however, when we can find no means to keep it alive in our souls apart from the dishonest pretense that our scholars do in fact possess the greatest prowess. The test of field ability has already disproved that fiction. We cannot rewrite the story by removing the athletes and leaving only the scholars in the field. Yet, that is the best explanation I can come up with; we seem to wish to think that every athlete is a Rhodes Scholar, or, alternatively, that our Rhodes Scholars are our best athletes. To cement our myth, then, we have been willing to handicap our sports. If we limit the field for athletic prowess, then perhaps our Rhodes Scholars will be our best athletes – that is, our best *eligible* athletes. They are the best under a Rhodes handicap!

The harm such an approach imposes on testing in general should be evident. Our best means to defend the legitimacy of testing is to resist its being used as a surrogate measure in cases where it does not apply. Thus, the key to preserving the relevance of academic testing is to distinguish academic and athletic testing. Similarly, we can identify specific skills relied upon in distinct career paths (including athletics) to preserve the relevance of employment testing. And in general we must connect testing with the idea of opportunity and with a defense of the freedom of individuals to pursue opportunities of which they are capable. Thus we would place testing in the mainstream of American life and principles.

Economist Gary Becker, who pioneered work in the economics of discrimination, describes Rule 48 as just another link in the cartelizing aspects of the NCAA as a whole.

Defenders of the present system claim that if colleges could compete freely for athletes, the athlete's education would suffer, they would be *spoiled* by large incomes, and the financial stability of many athletic programs would be jeopardized. [*Business Week*, September 14, 1987, p. 24.1

This paternalistic form of “keeping them in their place” would be bad enough taken alone. When viewed in light of the intentions and consequences beneath the expressed intentions, however, it becomes nefarious. As one candid, major university respondent to my survey admitted, “Rule 48 makes us more competitive, because other schools are forced to follow it.” Yet another opined that the rule means at least one thing, namely, historically “black schools won't dominate” NCAA events. (That respondent was neither black nor from a historically black college or university, by the way.) These observations lend peculiar punch to the reporter's comment in the *New York Times*, after describing the financial bonanza that college football is for large numbers of people: “It would be entirely too much to expect everyone to profit from the punts and passes.” It probably never occurred to him that players are those who are least of all expected to profit! And black players, apparently, not at all or at least as little as possible!

While it is true, then, that college athletics confront academic difficulties (e.g., famed line-backer Lawrence Taylor's confession of cheating at the University of North Carolina, which would incidentally place him at par with a few premed students!), it begs the question to insist that athletes be students first. If attainable goals for athletics cannot be set consistent with desirable academic standards in general, the implication is rather

that athletics and academics should be divorced. The alternative is to penalize highly skilled athletes unfairly.

Let us not neglect the lesson American business has learned in the past two decades. Their increasing involvement in education bespeaks increased frustration with the level of skill they can tap in the American workplace. General testing has been essential to American business, for basic reading and reasoning skills – not to mention higher levels – are essential to performing business tasks required today. Frustrated by disappointing results, and under attack with charges of discrimination, business has had to adapt, seeking to supply the deficiency through either internal education efforts or support for broader public education. The bottom line remains, however: training and screening are essential to rational business enterprise. The costly blunders of the untrained and semi-skilled impose costs which cannot long be borne. The insurance clerk who did not understand decimals, and wrote out a \$2,200 check on a \$22 settlement; the order clerk who mis-ordered a \$1 million dollar order; and the feed lot laborer who dosed a cattle pen with poison instead of feed because he could not read the label, all remind us of the ultimate test which no bias charge can refute: success or failure. These are stories reported in our newspapers right now. We should read them as admonitions to redouble our efforts to defend appropriate measures of merit in our society. And there is no better place to begin than with the NCAA, to whom I can say no more than, “Let’s play ball!”