Chapter Ten

The Voluntary Sector as the Ethical Sector

On Saturday, November 16, 1940, Cornell University’s football team was in Hanover, New Hampshire, to play Dartmouth. Cornell was then ranked second in the nation by the Associated Press and was counting on a win that day, as well as one the following week, to earn a national college title. Cornell had won its prior 18 games. The stop at Dartmouth was a formality, really; its record to date that year was 3–4, and the team came into the game as 15 to 1 underdogs. On a messy, frozen field, in a grueling game in which Dartmouth held Cornell scoreless until the fourth quarter, Cornell finally tossed a touchdown pass in the final moments to win 7–3.

It turned out, however, that Cornell needed five downs to score, something that initially went unnoticed by the referees. Game tapes showed the error, and the next day Red Friesell, the head referee, sent a telegram to Dartmouth saying, “I want to be the first to admit my very grave error. The extra down is proved by the motion pictures of both colleges. I assume full responsibility.”

Even though Cornell would otherwise have been on its way to a national championship, its president didn’t hesitate to acknowledge that it was Dartmouth’s game. To the young men who had just arrived back in Ithaca after a journey filled with celebration, he said, “Fellas, we have reviewed the game and it’s absolutely sure that we had five downs. I have to tell you that I sent a telegram to the president of Dartmouth that said we deny the win and award it to you.” Dartmouth took him up on the offer and accepted the win.

Fifty years later, on Saturday, October 6, 1990, the University of Colorado football team beat the University of Missouri 33–31. There was a lot on the line in that game too. The Associated Press that year ultimately voted Colorado the national champions. But Colorado, like Cornell, needed a fifth down to win against Missouri.
This time, however, no one offered up any corrective apologies, and Colorado certainly didn’t “award” the game to Missouri. In fact, the commissioner of the Big Eight, Carl James, said, “It has been determined that, in accordance with the football playing rules, the allowance of the fifth down to Colorado is not a post-game correctable error. The final score in the Colorado-Missouri football game will remain as posted.” When asked if he considered forfeiting the game, Colorado coach Bill McCartney, said, “The field was lousy.” What that had to do with the controversy is anyone’s guess, but it certainly fell far short of calling the president of the university to urge him to award the win to Missouri.

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Was the Colorado coach unethical for not giving back the game? Does it matter that the rules of football are precise about saying that the results are determined on the field? The Dartmouth-Cornell game is the only one in college football history whose outcome was decided off the field. Does it matter that Cornell’s president Edmund Ezra Day said, “I know Dartmouth and it won’t be long before we get a return telegraph saying, ‘no, Cornell, you won it on the field’”? It mattered to Frank Finneran, the center for Cornell that season, who said in 2005, “65 years later, we’re still waiting for that telegram.” The referee’s telegram was sent in defiance of the game’s official outcome, and, even though everyone in Ithaca was hoping for a response from Dartmouth that never came, Cornell’s president sent it without contingency, knowing that a loss would ruin Cornell’s chances for a national championship.

Charities in Society

Although it seems otherwise, places like Dartmouth and Cornell, and Colorado and Missouri are charities. So are the Smithsonian, Greenpeace, the Salvation Army, the National Heritage Foundation, Yeshiva, Princeton, the Museum of Modern Art and Stevens Institute of Technology. So are many other organizations working under the umbrella of public support, far too many of which often try to cut corners in their nonprofit compact with that public.

The world is filled with examples of greed and not-so-enlightened self-interest. If it’s a problem—and, okay, it may be—why is it a particular problem for charitable organizations? What’s so special about the nonprofit world when it comes to ethics?