Don't Drop the Ball: The Case For NCAA Athlete Employee Compensation

By Andrew Welton

***Resolved: NCAA student athletes ought to be recognized as employees under the Fair Labor Standards Act.***

The NCAA preserves a harmful and racist system that takes advantage of student athletes. Currently, athletes struggle with their own rights with regard to their education and compensation. Athletes are not allowed to be paid; yet big-time schools as well as the NCAA generate billions in revenue from the performance of these student athletes. Unfortunately, it is often black athletes that are taken advantage of the most. Giving athletes bargaining power to change the status quo would solve this problem.

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Contention 1: Structural Racism

NCAA athletics creates structural racism against black athletes.

The NCAA is the modern plantation, creating a system that benefits white owners and coaches at the expense of black athletes that drive in revenue.

Michael Harriot 2017 (Root writer) The Root. “Just a Reminder: The NCAA is a Plantation and the Players Are the Sharecroppers.” <http://www.theroot.com/just-a-reminder-the-ncaa-is-a-plantation-and-the-play-1793877559>

The NCAA makes around $1 billion a year (figures for 2016 haven’t been released yet; it presumably takes quite a while to count the piles of money) on college athletics. Eighty percent of the NCAA’s revenue comes from the media rights to the NCAA tournament. If you add in the $3.4 billion for college football (the playoff championship is owned by the 125 Football Subdivision, or FBS, schools), the total revenue for college sports tops $4 billion—almost all of it from football and basketball. Four billion. Now guess how much players get. They get food, of course. They get to live in college dorms, so there’s free housing. Depending on which school you attend, there’s a $2,000-$5,000 stipend for the year (which amounts to $1-$2.50 per hour). There’s the free athletic gear. But the real allure of college athletics is the opportunity for fame, athletic glory, free education and more money than they could ever count. Welcome to the new sharecropping. Just as in sharecropping, when you talk about the student-athletes in money-earning sports, you’re really talking about black people. In 2012, the latest year for which figures are available (pdf), black players made up 51.6 percent of FBS football players (far more than their 13 percent of the American population) and 57.2 percent of Division I basketball players. For years, colleges have made hundreds of millions of dollars on the backs of these athletes with no regard for their future, and no one cares—simply because they’re black. That’s not supposition. That is what a recent study by UMass Amherst associate professor of political science Tatishe Nteta found. Nteta and researchers interviewed subjects on a number of topics and “devised a survey that weighed variables like age, sex and interest in college sports and negative attitudes towards African-Americans, a measure he calls racial resentment.” Nteta found that the subjects who held the most racial biases statistically opposed paying college athletes. Even white subjects who weren’t “racially resentful” leaned toward not paying college athletes when they were shown a picture of black athletes alongside the question.

This disparity is clearly seen when comparing graduation rates.

Racial inequalities for black athletes exist with regard to graduation.

Shaun Harper 2013 (Tenured faculty member in the Penn Graduate School of Education, director of the Center for the Study of Race and Equity in Education) University of Pennsylvania Graduate School of Education, Black Male Student-Athletes and Racial Inequities in NCAA Division I College Sports, 2013. <https://www.gse.upenn.edu/equity/sites/gse.upenn.edu.equity/files/publications/Harper_Williams_and_Blackman_%282013%29.pdf>

Between 2007 and 2010, Black men were 2.8% of full-time, degree-seeking undergraduate students, but 57.1% of football teams and 64.3% of basketball teams. Across four cohorts, 50.2% of Black male student-athletes graduated within six years, compared to 66.9% of student athletes overall, 72.8% of undergraduate students overall, and 55.5% of Black undergraduate men overall. 96.1% of these NCAA Division I colleges and universities graduated Black male student-athletes at rates lower than student-athletes overall. 97.4% of institutions graduated Black male student-athletes at rates lower than undergraduate students overall. On no campus were rates exactly comparable for these two comparison groups. At one university, Black male student-athletes graduated at a comparable rate to Black undergraduate men overall. On 72.4% of the other campuses, graduation rates for Black male student-athletes were lower than rates for Black undergraduate men overall.

This is important because in the status quo, black athletes stand to benefit the most from being recognized as an employee under the FLSA.

Travis Waldron 2017 Huffington Post “Black Americans Support Paying College Athletes. White people? Not so much.” Huffington Post, 03/17/2017. <https://www.huffingtonpost.com/entry/paying-college-athletes-racial-divide-poll_us_58caca9fe4b0ec9d29d9c12c> (brackets in original)

African Americans make up the majority of college athletes at the top levels in three major sports: men’s and women’s basketball (Division I) and football (FBS). A lot of the high-profile beneficiaries of pay-for-play, many of whom also have scholarships, would be black. Furthermore, at many Division I schools, black athletes make up a significant proportion of the total African-American student population, and that’s particularly true on the male side. This feeds a stereotype of young black men who got to college only because they can play. All of that likely affects how white fans view the debate over paying those athletes, said Louis Moore, a Grand Valley State University professor who focuses on African-American and sports history. “In a sense, most whites see the black athlete and his presence in college as a gift,” Moore said. “[He is] somehow getting a favor, and this is somehow not work. In their minds, they think most black athletes don’t have much, so this is a reward.”

Most NCAA athletes are black and working for the white higher ups while not making any money--more than just exploitation, but racial exploitation, recognizing student athletes as employees solves this problem.

Allowing schools to focus more on education would remove resource depletion on sports and athletics.

Billy Hawkins 2010, (Professor at the University of Georgia) The New Plantation Black Athletes, College Sports, and Predominantly White NCAA Institutions. 2010.

Regardless of these institutions’ efforts to hide behind the veil of amateurism, intercollegiate athletics reflect the values of professional sports. Professional sports are profit driven; they are outcome oriented and winning is heavily valued and in most cases, “winning is the only thing.” Similarly, intercollegiate athletics at the Division I level reflect this profit-driven motive, where images, careers, and money are at stake when teams do not win games and appear in bowl or championship games. Simply stated, winning and winning big is the only thing, with graduation rates of their players being a necessary distraction. In the age of corporate athletics, very few, if any, intercollegiate athletic programs can afford unsuccessful programs. It is unfortunate, but often times, the way some athletic programs develop success requires them to put a greater premium on athletic development and performance and less on academic performance.

Allowing athletes to be recognized as employees gives black athletes the bargaining power and voice they need to combat structural racism.

Brando Starkey 2014, (New Republic writer) The New Republic “College Sports Aren’t Like Slavery. They’re Like Jim Crow.” 10-31-2014. <https://newrepublic.com/article/120071/ncaa-college-sports-arent-slavery-theyre-jim-crow>

So-called “student athletes” are likewise denied the whole value of their labor and the opportunity to fully compete in the economic marketplace. The NCAA enacted rules that allowed its member institutions to limit the economic opportunities available to college athletes and increase their own profits. This exploitation is allowed to continue because it supposedly benefits college athletes. The NCAA concocted the term “student-athlete” and wrapped this new phrase in a self-serving mythology that holds that college athletes who profit from their talent are distracted from what should be their first priority: getting a quality education. Many onlookers therefore accept the NCAA’s amateurism rules as proper. Paternalism toward “student athletes,” that is, allows this labor-market cartel to remain. The former slave owners, despite their constant attempts after the Civil War, could not enforce a cartel on their own. In spring of 1865, Virginia planters met at the Louisa County Courthouse to fix the price of black labor. They resolved not to pay more than $5 a month and rations, and blacks were to pay for their own clothing and healthcare. “We hope now that the scale of prices having been determined on,” the Richmond Republic reported, “the negroes will go promptly to work.” Such efforts continuously failed because the market for black labor was far too competitive. Southern legislatures, therefore, had to do what planters couldn’t do for themselves. The market for college athletes is similarly competitive, thus the NCAA has to maintain the cartel. Whereas the South used anti-black bigotry to keep its cartel alive, the NCAA uses paternalism. Before exploitation could ensue, though, the targets had to be denied a role in governing. After the Civil War, in late 1865 and early 1866, newly formed Southern legislatures enacted Black Codes. These laws applied only to freedmen, and, among other things, installed a series of economic regulations to establish a labor-market cartel. During Radical Reconstruction, when blacks voted and served in state legislatures, this cartel dismantled. But once Democrats recaptured the South, they reinstalled these economic regulations to exploit black labor. To keep blacks from voting by using the power of the state, Southern states drafted new constitutions that disenfranchised blacks mainly through literacy tests. These tests generally required a potential voter to read and understand any section of the state constitution in order to register. “There was a general understanding,” wrote historian Vernon Lane Wharton, “that the interpretation of the constitution by an illiterate white man would be acceptable to the registrars; that of a Negro would not.” The Fifteenth Amendment prevented Southern states from passing laws explicitly disenfranchising blacks. Unencumbered by such restraints—the Constitution affords no special protection to “student athletes”—the NCAA implemented a far cleaner solution to the same problem. The NCAA simply denies college athletes a voice in rulemaking, thereby leaving them, like blacks, without a role in the making and enforcement of rules. Voiceless, both groups had the value of their labor fleeced. The tools of exploitation between the two cartels, moreover, are eerily similar. Southern states passed sunset laws, emigrant agent laws, anti-enticement laws, and contract enforcement laws. These laws, which reduced the slice of the economic pie dished to blacks while enlarging the portion served to white planters, have direct corollaries in the NCAA’s meaty rulebook….By prohibiting college athletes from having both meaningful interaction with agents and off-campus economic opportunities, the NCAA devised exploitative rules not unlike the South’s emigrant agent laws. Athletes still have contact with agents, but like in the Jim Crow South, it happens in secrecy. Saban, of course, like the planters, employs an agent who benefits him—one who put nearly $7 million a year into Saban's bank account. Anti-enticement statutes made hiring already employed laborers illegal. Such statutes inhibited competition among employers for employed laborers, weakening the latter’s leverage to negotiate for better compensation and working conditions.

Contention 2: Collective Bargaining

Allowing student athletes to be recognized as employees under the FLSA would let student athletes form unions and bargain for more favorable on and off field conditions.

Student athletes cannot currently bargain for their rights.

Sean Gregory 2013 (TIME Writer) TIME “College Athletes Need to Unionize Now.” 11-28-2013. .” <http://keepingscore.blogs.time.com/2013/09/28/college-athletes-need-to-unionize-now/>

The players should take APU to the next logical level and actually form a real labor union. In order to unionize, a group of workers must be considered “employees” under federal or state law. The NCAA has gone to great lengths to keep the “e-word” taboo. Back in 1953, the Colorado Supreme Court upheld a state industrial commission decision that a University of Denver football player was an “employee,” and thus entitled to worker’s compensation for his football injuries. This spooked the NCAA, and as then-NCAA president Walter Byers wrote in his 1995 memoir, Unsportsmanlike Conduct: Exploiting College Athletes: [The] threat was the dreaded notion that NCAA athletes could be identified as employees by state industrial commissions and the courts. [To address that threat, w]e crafted the term student-athlete, and soon it was embedded in all NCAA rules and interpretations as a mandated substitute for such words as players and athletes. We told college publicists to speak of “College teams, no football or basketball “clubs,” a word common to the pros. In our recent cover story advocating pay for players, Big 12 conference commissioner Bob Bowlsby explained his opposition to the concept: “I just don’t think we ever want to go down the path of creating an employee-employer relationship with student-athletes.” But according to some legal scholars, such an employer-employee relationship already exists in college sports, despite the lack of cash compensation available to players. So athletes have an opening to form a union.

If athletes were to be recognized as employees, they would bargain for more fair payment.

Nicholas Fram 2012 (UC Berkley School of Law) Buffalo Law Review “A Unions of Amateurs: A Legal Blueprint to Reshape Big-Time College Athletics. August, 2012. <https://advance-lexis-com.mutex.gmu.edu/document?crid=956a4313-c004-4cf8-8b7b-cd13659ce2d2&pddocfullpath=%2Fshared%2Fdocument%2Fanalytical-materials%2Furn%3AcontentItem%3A56V6-4SW0-00CV-Y0YF-00000-00&pdcontentcomponentid=145267&pdpinpoint=PAGE_1070_8323&pdmfid=1516831&pdisurlapi=true>

The relative merits of paying college athletes have been fiercely contested, both in the scholarly and popular presses. The potential unionization of college athletes is, of course, closely tied to this debate: a more equitable distribution of the tremendous revenues college athletics generates would likely be a primary focus of any collective bargaining. While it is difficult to speculate what a "market wage" for today's college athletes might be, one method of estimating is to imagine an NCAA revenue-sharing agreement like those negotiated by unions in professional football and basketball. In both sports, player's associations have salary agreements  [\*1071]  that fix total athlete compensation as a percentage of league and club revenues. Assuming revenue splits similar to their professional counterparts, the "market value" of the average Football Bowl Subdivision football player would be $ 121,048 per year; the "market value" of the average basketball player at those schools would be $ 265,027 per year. At the biggest programs, an equitable revenue split would entitle college-athletes to considerably larger sums.

Providing student athletes with bargaining opportunities can reverse harmful power inequality in the status quo.

Emporia State 2014. Washburn University School of Law “throwing the Red Flad: A Review of the NLRB’s Fumbled Decision Regarding Collegiate Football Players as Employees. 10-17-2015.

When considering Major League Baseball, the National Football League, or other industries, the Board does not simply defer to the commissioner or an employer trade association; generally, the Board allows for collective bargaining. Providing student athletes with access to collective bargaining would help alleviate the power imbalance between the NCAA and college athletes. Collective bargaining would give the student athletes a much louder voice. The NCAA's record revenue exists solely because of student athletes. Allowing student athletes to unionize is the best way to restore their rights and provide them with an active role in the collegiate football safety debate.

Finally, allowing student athletes to bargain would give payers key financial rights to compensate for shortcomings in other areas.

Mark Edelman 2015. (WSJ writer) The Wall Street Journal “Should College Athletics Be Allowed to Unionize?” 11-15-2015. [www.wsj.com/articles/should-college-athletes-be-allowed-to-unionize-1442368889](http://www.wsj.com/articles/should-college-athletes-be-allowed-to-unionize-1442368889)

Zev J. Eigen, an associate law professor at Northwestern University School of Law, takes the position that the athletes have legitimate grievances but that unionization is not the answer. Unions, where effective, enable workers to present a uniform front to management, articulate workplace concerns and engage in collective action such as strikes when important employee needs are not met. There is no question that college athletes in the Football Bowl Subdivision of the National Collegiate Athletic Association and Division I men’s basketball conferences would benefit greatly from such representation. These athletes currently lack any influence over the terms and conditions of their employment. A union would help them win new financial rights, and secure improved health-care benefits and pension plans. A union also might help them obtain important protections such as notice and a hearing before being punished, and perhaps even give them the freedom to voice their opinions on social media without their college’s interference. The truth is, college football and basketball players are employees as defined by common law, which says the proper test for an employment relationship is one where a person performs services for another under a contract of hire, subject to the other’s control or right of control. Region 13 of the National Labor Relations Board ruled that the revenue-generating football players at Northwestern University are employees because the college benefits financially from their work and controls most aspects of the athletes’ day-to-day lives. The full NLRB declined to grant jurisdiction over Northwestern football players, based in part on its belief that doing so would create an unstable bargaining unit, but it didn’t reverse the lower body’s finding that some college athletes indeed constitute employees. Left in this limbo, college athletes have little, if any, bargaining power. This inequity is most obvious when it comes to their financial compensation (or, more precisely, their noncompensation). Currently, the college sports industry is valued at upward of $11 billion. Yet none of this revenue is shared directly with the athletes. Instead, the NCAA and its member colleges enforce a principle of amateurism that levies penalties against member colleges that provide athletes with benefits beyond a predetermined amount.

PRO-AT: NCAA Athletes Should Not Be Recognized as Employees

AT : Racism- black athletes need sports scholarships

Inequality in the NCAA sports system hurts black communites more than any other demographic.

Kai Ryssdal, 2013. Marketplace, “NCAA policy hits poor, minority neighborhoods hardest.” July 8, 2013 <https://www.marketplace.org/2013/07/08/wealth-poverty/ncaa-policy-hits-poor-minority-neighborhoods-hardest>

The latest flare-up of that issue comes in the form of a pending lawsuit, originally filed by former UCLA basketball player Ed O'Bannon. The lawsuit, now about four years old, is seeking compensation for college athletes -- former, and as of last week, current -- who generated revenue for their schools and the athletic governing body through everything from television broadcasts of tournaments to video games. It could potentially have a huge economic impact on the NCAA and collegiate sports -- so much so that Moody's recently downgraded the governing body's credit outlook to negative. According to its most recent tax filings, the NCAA has about $614 million in total assets. Most of its 2011 revenue of $815 million was distributed to member schools, leaving a $41 million surplus. While technically a nonprofit organization, the NCAA is earning 40 percent more ad revenue than the NBA playoffs, and 60 percent more than post-season for Major League Baseball. The main argument in  the case comes down to an anti-trust issue -- with the plaintiffs arguing that the NCAA, video-game maker Electronic Arts, and Collegiate Licensing Co. all conspired to fix athlete compensation at $0 for all of their work. Dr. Boyce Watkins, a finance professor at Syracuse University, has been an outspoken critic of the current compensation system, which consists entirely of scholarships. Athletes, says Watkins, should be paid for their services the same as any other worker in America -- it's a labor rights issue. "Imagine if we lived in a world where Walmart and Target and Kmart could all conspire and say, 'OK, we're all gonna agree to pay our employees $10 an hour.' That would be entirely unacceptable," points out Watkins. "But that's what happens when Duke and North Carolina and Kentucky all agree that we're not going to compensate the athletes. It just leads to a system that I would say is inherently unfair." While many argue that scholarships should be enough for student-athletes, a 2010 study showed that the average NCAA athlete in the big-time sports, like football and basketball, actually ends up paying around $2,951 per year due to school-related costs. Watkins also says the system disproportionately hurts players from lower-income areas, and the African-American community. "I think that race does play a role in that at least a billion dollars in economic value is stripped from the black community every year," he argues. He cites the example of Reggie Bush, a former USC football player who lost his Heisman trophy because his mother received money under the table. "When you look at USC -- a school with an endowment that's larger than every historically black college in the country combined -- that this school made over $100 million from Reggie Bush's play on the field -- it's hard to argue that some people should be outraged about that," he adds. As a college professor, he's encountered many players on campus that have struggled with issues of poverty. As these college athletes play for their schools and make millions, some hear that they're mother is going to get evicted, or that a friend in the old neighborhood was shot. The term "scholar-athlete" makes no sense in a world where students are taken out of class during the week to go play in televised games, he points out. Meanwhile, the NCAA defends its practices, arguing that by collecting money from big-ticket games like the men's basketball finals, they can help fund other lesser-known or lesser-watched sports like women's volleyball. But Watkins doesn't buy it. "I think that's kind of an interesting argument," Watkins says, "because when you talk about the coaches, no one ever says, when you pay the basketball coach $5 million, you've only got $100,000 to pay the volleyball coach. But for some reason when it comes to the athletes, we expect this subsidization model to apply." The results of the court case likely won't come for months, but will the NCAA ever change its ways? In some ways, the organization does change, says Watkins, by spending more and more money to defend the system through advertising and marketing.

The NCAA uses its system to exploit impoverished athletes

Armstrong Williams 2014. The Washington Times. « The Exploitation of College Athletes » 4-6-2014 <https://www.washingtontimes.com/news/2014/apr/6/williams-the-exploitation-of-college-athletes>

Today, thousands of college athletes throughout the country are exploited by the National Collegiate Athletic Association (NCAA) and by their colleges and universities. Despite bringing in millions of dollars for their school and the NCAA, college athletes receive almost nothing in return. Many of these college athletes are black and come from poverty-stricken communities. Last year, the National College Players Association released a report called “The Price of Poverty in Big Time College Sports” that concluded that 86% of college athletes live below the poverty line. The fact that Texas football players are valued at $513,922 or that Duke basketball players are worth $1,025,656 and they may be living below the poverty line is downright outrageous. The situation in which many of these players find themselves is worse than indentured servitude — they are owned by the NCAA and the universities they attend. The NCAA, colleges and universities have taken advantage of college athletes for far too long and their excuses have run dry. The rules of the game must change. College athletes deserve to be treated fairly and given a just compensation for the services they provide. The status quo is unacceptable.

Scholarships force black athletes into sub-par degrees and classes.

Donald Yee 2016. Washington Post, "College sports exploits unpaid black athletes. But they could force a change," 1-8-2016 <https://www.washingtonpost.com/posteverything/wp/2016/01/08/college-sports-exploits-unpaid-black-athletes-but-they-could-force-a-change/?utm_term=.a7b308995b26>

Yes, the scholarships received by football and basketball players provide an economic benefit. However, they come with onerous restrictions and no promise of an education. The [2013 Penn study](https://www.gse.upenn.edu/equity/sites/gse.upenn.edu.equity/files/publications/Harper_Williams_and_Blackman_%282013%29.pdf) found that black male student athletes graduated at lower rates than other black men at 72 percent of institutions with big-time football and basketball programs — and lower than other undergraduates overall at 97 percent of them. At many schools, football and basketball players are forced into contrived majors in which they have no interest. Take a look at the football and basketball rosters of most Power Five schools, and you’ll find two or three majors that seem unusually popular among athletes — often interdisciplinary programs that make it easier for academic advisers to pick classes for athletes that fit the team’s schedule. Players are also often dissuaded from taking classes they’d prefer. One of my former clients, a fine student, once expressed interest in a class that happened to conflict — in an insignificant way — with a football matter. He was strongly discouraged from taking the class, and since coaches control playing time and scholarships, he didn’t want to risk angering them, so he didn’t enroll in it. If athletes want to transfer, NCAA rules often punish them by prohibiting their participation in their chosen sport for one year.

AT: Unions

Student Athlete is a random term and totally manufactured by the NCAA

*Joe Nocera, 2014, New York Times, "Unionized College Athletes?" 1-31-2014* [*https://www.nytimes.com/2014/02/01/opinion/nocera-unionized-college-athletes.html?\_r=0*](https://www.nytimes.com/2014/02/01/opinion/nocera-unionized-college-athletes.html?_r=0)

Does a union for college athletes seem far-fetched? If it does, that’s in large part because the N.C.A.A. has done such a good job over the decades of convincing America — and the courts — that because the athletes are students, they can’t possibly also be employees. The phrase “student-athlete” was, in fact, dreamed up in the 1950s by then-N.C.A.A. President Walter Byers, after it appeared that injured athletes in several states might be allowed to get workers’ compensation. The phrase, write Nicholas Fram and T. Ward Frampton in an article in the Buffalo Law Review, was meant to “obfuscate the nature of the legal relationship at the heart of a growing commercial enterprise.” Today, that commercial enterprise brings in not millions of dollars but billions. Yet the players not only don’t participate in the spoils, they have no voice at all. “Players need to know that they will be taken care of if they are injured,” said Ramogi Huma, the president of the National College Players Association, which is aiding the Northwestern effort. Guaranteed medical care is one of a number of issues that Huma thinks a union could help ensure. The ultimate example, noted Huma, is the controversy over concussions. “It is terrifying to think of the damage concussions can do, and see the N.C.A.A. avoiding responsibility, while the N.F.L.P.A. has been making progress,” he said. (The National Football League Players Association is the union for professional football players.) Indeed, in a recent court filing in a concussion lawsuit, the N.C.A.A.’s lawyers wrote that “the N.C.A.A. denies that it has a legal duty to protect student-athletes.” It’s worth noting that neither Colter nor Huma is advocating that the players get paid a salary. “What we want is a seat at the table,” said Huma. What college athletes need, more than money, is an organization that will push back against the all-powerful N.C.A.A. and their own athletic departments, which are so quick to throw their players under the bus at the first hint of a problem. The question that the N.L.R.B. will have to grapple with is whether college athletes meet the criteria required to be labeled as employees. In their law review article, Fram and Frampton make the case that they do. The labor board, they note, defines employees as any “person who works for another in return for financial or other compensation.” College athletes are compensated with a scholarship.

Lack of Rights for athletes creates inequities

Patrick Hruby 2016, (Writer, Editor & Journalist), Vice SportsFour Years A Student-Athlete: The Racial Injustice of Big-Time College Sports, 4-4-2016 <https://sports.vice.com/en_us/article/ezexjp/four-years-a-student-athlete-the-racial-injustice-of-big-time-college-sports>

Except: the injustice in college sports isn't just about the terms of the deal. It's about the terms of the dealing. Amateurism deprives athletes—again, predominantly black athletes—of freedoms and rights the rest of us take for granted. The same antitrust laws that prevent schools from colluding to limit assistant basketball coach salaries don't protect campus athletes, even when federal courts rule that the NCAA and its member schools are violating those laws. Sports labor lawyer Jeffrey Kessler, who is currently leading a bellwether case against the association, says athletes "don't have any rights under federal labor laws. They don't get to form a union, strike, collectively bargain, or file unfair labor practice complaints. That's not available to college athletes." Instead, they exist as second-class citizens, separate and unequal, just as the NCAA intended—according to former association director Byers, the term "student-athlete" was a legalistic ruse specifically created in the 1950s to prevent injured football players from collecting workers' compensation.

Unions are beneficial

Mark Pocan, 2016 The Huffington Post “Who Benefits From Strong Unions? Everyone” 11-2-2016, [www.huffingtonpost.com/rep-mark-pocan/who-benefits-from-strong\_b\_11831706.html](http://www.huffingtonpost.com/rep-mark-pocan/who-benefits-from-strong_b_11831706.html)

The story of unions is the story of America’s middle class. Unions have been essential in gaining safer working conditions, better wages and benefits, and empowering workers to have a seat at the table. According to the Bureau of Labor Statistics data, union workers’ wages are 27 percent greater than non-union workers’ wages. Seventy-nine percent of unionized workers receive health insurance from their employers, compared to only 49 percent of non-union workers. Seventy-six percent of union workers have guaranteed defined-benefit pension plans, compared to only 16 percent of non-union workers. Eighty-three percent of union workers receive paid sick leave compared to only 62 percent of non-union workers. There is no doubt that unions benefit working families, but since the 1970s, union membership has been in serious decline and we have seen wages stagnate. One of the root causes of declining wages is that workers’ ability to join together and bargain for higher wages and better working conditions has been severely undermined. We have also seen targeted attacks against unions by Republicans all across the country including the passage of so-called “right to work” laws, which further lower wages and weaken workplace protections. A new report released this week from the Economic Policy Institute (EPI) provides further evidence that the benefits of unions go way beyond their own members, by raising the wages of non-unionized workers as well. In fact, non-union workers lose $133 billion annually due to the decline in unions, according to the report.

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