


Fall 2019

Fair Pay to Play: The Compensation Debate and The Exploitation of Black Student-Athletes

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Recommended Citation

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FAIR PAY TO PLAY: THE COMPENSATION DEBATE AND THE EXPLOITATION OF
BLACK STUDENT-ATHLETES

Senior Project Submitted to
The Division of Social Studies
of Bard College
by
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Annandale-On-Hudson, NY

December 2019

Acknowledgements

I would like my advisors Michael Martell and Pavlina Tcherneva for assisting and guiding me through the process of completing this project.

I would like to give a special thanks to God and my mother, Cathy Grimes-Miller, for supporting me every step of the way through troubling times and motivating me to keep pushing through every obstacle I have faced. I would also like to dedicate this project to my late grandparents, Evelyn and Walter Miller, as well as my grandmother, Margaret Grimes, who is currently battling cancer but still finds ways to smile every day.

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“In the contemporary world of intercollegiate athletics, some parties benefit from current arrangements and others are harmed. One fact seems inescapable: rents are expropriated from the most talented football and men’s basketball players in high-profile programs and redistributed to other parties. If a competitive labor market for athletes would return these rents to the players, it is important to understand who is benefiting now, because that will identify the most likely resistance to any movement toward a competitive labor market for college athletes.”

-- Sanderson and Siegfried 128-129

Abstract

The National Collegiate Athletics Association (NCAA), which is the governing board for intercollegiate athletics in the United States, earns large amounts of revenue from major college sports like Division I football and men's basketball but does not provide any compensation beyond basic athletic scholarships to the student-athletes who generate the revenue. In recent years, the NCAA has come under increased scrutiny due to what is perceived as hypocrisy—that is, the NCAA using its student-athletes to generate hundreds of millions of dollars in revenue but refusing to provide fair compensation to the student-athletes. Because a majority of student-athletes on Division I football and men's basketball teams are black, many scholars have accused the NCAA of implementing racist policies that exploit black student-athletes. This paper provides a critical analysis of the NCAA as a microcosm of American society, including the disparate impact of the NCAA's amateurism policy and the commercialization of intercollegiate athletics on black student-athletes. Specifically, the paper examines the history of racism and segregation in America and in intercollegiate athletics, the integration of black student-athletes onto college sports teams, discrimination against black student-athletes within sports, the rise of capitalism in intercollegiate sports, the diminishing concept of amateurism, and the role of race in the NCAA's refusal to pay a fair wage to student-athletes. The paper discusses various theoretical perspectives regarding the exploitation of black student-athletes and offers a proposal for the reform of intercollegiate athletics. The paper concludes that it is hypocritical for the NCAA to use student-athletes to generate billions of dollars in revenue, distribute large proportions of the revenue to everyone but the student-athletes who generate it, and claim "amateurism" as the reason for its refusal to pay fair compensation to student-athletes.

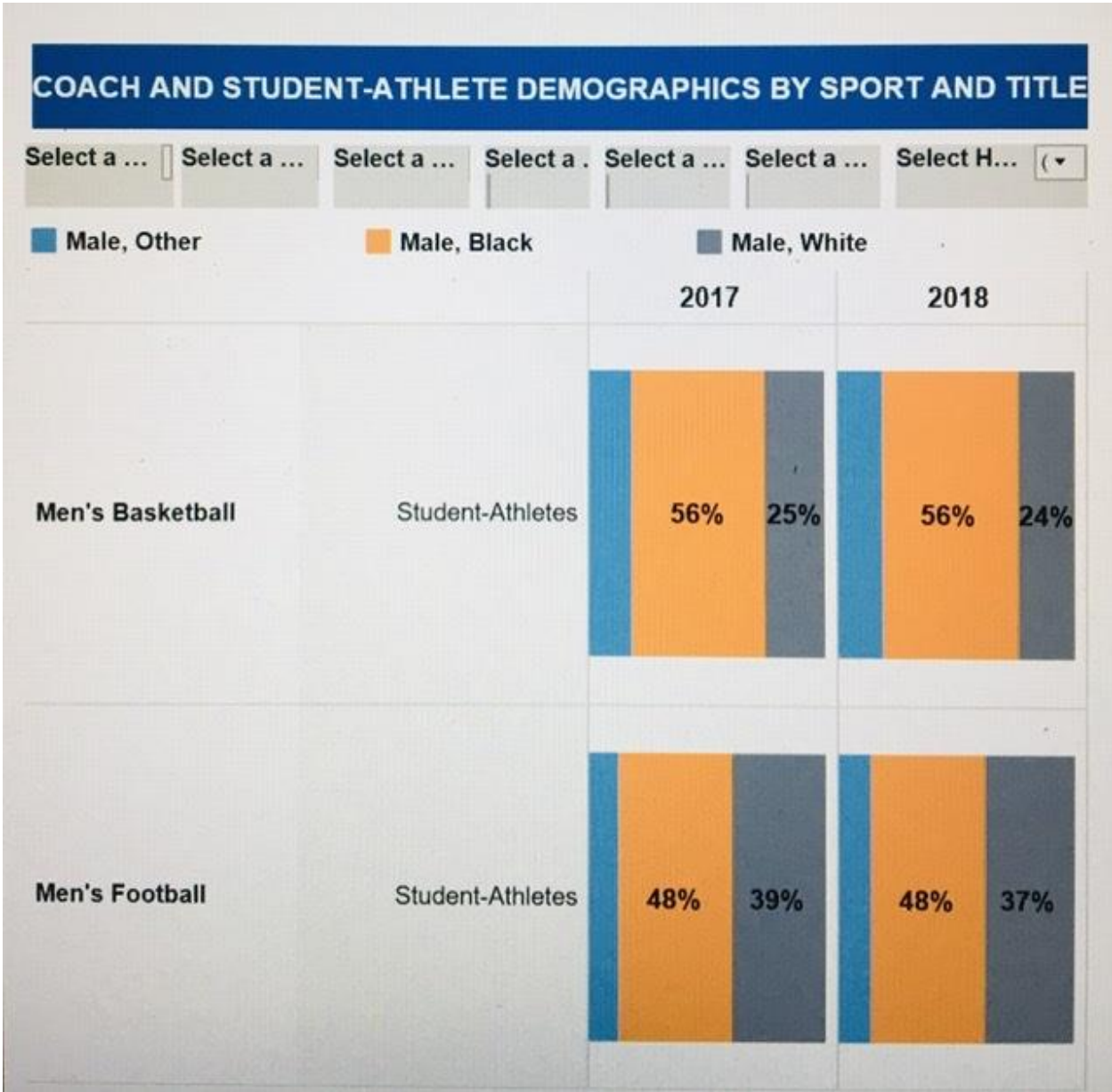
I. Introduction

Since the first intercollegiate athletic event in August 1852—a crew race between Harvard and Yale—there has been a natural tension between the mission of colleges and universities to educate students and their desire to use intercollegiate sports as a way to generate attention and revenue (Sanderson 257-258). In the early 1900s, for example, Harvard University’s rowing team picked up a coxswain (boat steersman) who did not attend the school in order to beat their rival, Yale. The president of the Massachusetts Institute of Technology (MIT) at the time claimed, “If the movement shall continue at the same rate, it will soon be fairly a question whether the letters B.A. stand more for Bachelor of Arts or Bachelor of Athletics” (Smith 11). For winning the crew race, Harvard received prizes and trophies worth over \$500 and, as a result, compromised its amateur status (Sanderson 258). The stakes for winning, and losing, in major college athletics have gotten progressively higher over the years. For the year ended August 31, 2018, the NCAA generated nearly \$1.1 billion in revenue primarily from its annual Division I men’s basketball national championship tournaments, including television and marketing rights, and reported expenses of slightly more than \$1 billion (NCAA Consolidated Financial Statements). The issue of income inequality in major college athletics has a disproportionate effect on black student-athletes, since the vast majority of Division I college basketball players and nearly half of Division I college football players are black (NCAA Demographics; see Chart 1 on page 4). According to a 2018 study conducted by Dr. Shaun Harper at the University of Southern California’s Race and Equity Center, black males make up only 2.4 percent of the undergraduate student bodies at the 65 universities that make up the

“Power Five” athletic conferences¹ but comprise 55 percent of the football players and 56 percent of the basketball players at these schools (Harper 3). In addition, black male student-athletes at Power Five schools graduate at substantially lower rates than student-athletes overall, black male undergraduates who are not student-athletes, and undergraduate students generally (Harper 3). Some scholars have argued that student-athletes at major Division I schools are being subjected to a “new type of slavery” because the NCAA and its member schools are exploiting student-athletes for their athletic services without providing fair compensation. Although most of these student-athletes receive a free college education in the form of athletic scholarships, their athletic scholarships do not cover all of their living expenses and, in most cases, the value of the athletic scholarship does not compare to the immense amount of revenue the NCAA and its member schools generate because of the hard work and sacrifices of these student-athletes. Many of these student-athletes come from impoverished backgrounds and are first generation college students who, through intense work ethics, have developed their athletic talents and skills in the hopes of having an opportunity to play their sport at the professional level in order to earn enough income to feed their families and become financially secure. The real tragedy, however, is that “big-time” college athletics have become so commercialized that many of these student-athletes are so focused on athletics that they are leaving college without a degree or the promise of a professional career in their sport.

¹ The “Power Five” athletic conferences consist of the Atlantic Coast Conference (ACC), Big Ten Conference, Big 12 Conference, Pac-12 Conference, and Southeastern Conference (SEC) (Harper 3). The NCAA refers to the “Power Five” conferences as “autonomy conferences” (NCAA Manual ix).

Chart 1



In light of the continued commercialization of intercollegiate athletics and the massive amount of revenue that is generated on an annual basis, the NCAA’s refusal to compensate the student-athletes who generate that revenue in the name of “amateurism” is not only hypocritical, but also, perpetuates racism and exploits student-athletes, particularly black student-athletes. In order to survive the 21st Century, the NCAA must acknowledge the commercialism of

intercollegiate athletics and not only pay fair compensation to the student-athletes who generate the NCAA's revenue, but also, reestablish academics as the focus of intercollegiate athletics.

II. History of Racism and Segregation in the United States and in Intercollegiate Athletics

A. Plessy v. Ferguson

Like most other institutions, intercollegiate athletics is a microcosm of American society at large. The same racism and discrimination that blacks historically have faced in education, housing, employment, and other aspects of American society existed, and continues to exist, in intercollegiate sports. The United States Supreme Court's 1896 decision in *Plessy v. Ferguson*, 163 U.S. 537 (1896), for example, legalized racial segregation (and Jim Crow laws) in the United States and played a major role in preventing black people from integrating fully into American society. In that case, Homer Plessy, a mixed-race man who looked white but was one-eighth black, argued that a Louisiana law requiring black and white passengers to sit in separate railway cars violated the Equal Protection Clause of the United States Constitution. Rejecting Plessy's argument that railway cars for blacks were necessarily inferior to those for whites, the Supreme Court held that "separate but equal" facilities on intrastate railroads were constitutional. The Court rationalized,

Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane (*Plessy* 551-552).

Theoretically, *Plessy* made it possible for black people to access the same facilities, services, and opportunities as white people. The reality, however, was that the Supreme Court's decision perpetuated racism and discrimination in America—for example, black athletes could participate

in college sports but were not allowed to play on the same field or court as white athletes. These “separate, but equal” laws solidified segregation and Jim Crow laws in the United States, particularly in the South, for the next 50 years, creating a culture of separation and a color barrier in sports that would be hard to break down.

Segregation in sports was never a formal “rule” that was implemented or enforced, but rather, was an informal “agreement” within the culture of white teams in order to keep blacks and whites separated. It was not until the late 1940s that black athletes began to participate with and compete against white athletes in sports like baseball and boxing. Even then, there was the social problem of African Americans being unable to assimilate into society because of the pervasive inequality and discrimination that were present in America. The separation between blacks and whites in athletics was apparent to observers all over the United States. Black athletes outperformed white athletes on a consistent basis, which threatened societal norms about white dominance in all aspects of society, including sports. Whenever a black person was able to climb the proverbial “economic ladder” by excelling in sports, he would be frowned upon by the white population. In 1915, for example, Jack Johnson, a young black man, won the world heavyweight title in boxing. Professional boxing enabled Johnson to escape poverty and enjoy a lifestyle of wealth and fame. During his lifetime, Johnson married multiple white women and demonstrated a so-called lack of care for societal structures and stereotypes. As a result, he was referred to as a “Bad Nigger” in the white community, despite all he had done for our country. “A ‘Bad Nigger,’ in black folklore, was a black man who did not play by the rules of convention; he dressed well and had an unquenchable sex drive” (Reese 9). Johnson’s resilience and lack of fear of the “white man” disturbed the white community—they saw him as a threat to society (Reese). Thus, in 1910, when Johnson defeated white boxer James Jeffries (nicknamed the

“Great White Hope”) for the world heavyweight title, many white people felt humiliated and riots erupted all over the United States. Many blacks were lynched, and some white people suggested that Johnson should be lynched himself. Jack Johnson was a threat to white people and the established hierarchical social order. Like Johnson, many blacks viewed participating in athletics as one of the few ways blacks could “outshine” whites and, possibly, assimilate into American society. Whites in positions of power, however, sought ways to control this phenomenon in order to stay on top of the monetary and social pyramid in American society.

Before the second World War, blacks were allowed to participate in college sports like football and men’s basketball; however, their participation was restricted to non-Southern universities. Also, of the numerous black athletes with the ability and desire to play college sports, only the best of the best—or “token athletes”—were allowed on the college teams (Reese 9). Southern universities maintained segregation in sports to the point where they would refuse to play non-Southern schools unless they withheld the black athletes from participating in the contest. Despite being on the team and experiencing college-level competition, these “token athletes” still were subjected to racism and discrimination within the sports community.

Following World War II, the public began to show interest in watching black athletes perform—this was appealing to non-Southern schools and formulated into lucrative ideas for winning and earning revenue. These schools knew, however, that they could not automatically allow all black athletes to participate—they had to “sell” the idea without exposing their true intentions. Non-Southern schools began to allow up to two black athletes to participate on their teams. These athletes were chosen carefully based on such factors as character, academic drive and intelligence, and of course, athletic ability (Reese). According to Reese, these schools wanted kids who were not “stereotypical black athletes”—that is, individuals who were likely to be

misguided or to get into trouble. A black athlete who was prone to commit a crime or fail out of school would have “elicited ‘I told you-so’s’ from the strict segregationists” (Reese 13).

As non-Southern institutions began to integrate black student-athletes onto their white sports teams, schools in the South continued to resist the demographic change in college sports that seemed to be the new trend across the nation. For example, the NCAA hosts “bowl games” for Division I college football teams following the regular season in order to showcase the teams that performed the best throughout the year. In 1955, Georgia Tech University’s football team (a Southern school) was preparing to play the University of Pittsburgh (a non-Southern school) in the Sugar Bowl. Because Pittsburgh had a black player on its team, which a lot of Georgians did not support, the segregationist governor of Georgia at the time, Marvin Griffin, requested that Georgia Tech decline its bowl bid. Although the president of Georgia Tech, Black R. Van Leer, and the head football coach, Bobby Dodd, claimed that they wanted the school’s football team to compete in the Sugar Bowl, regardless of whether Pittsburgh allowed black players on the field, it took some effort to get the approval of those around them. Reese notes, “Bobby Dodd, Georgia Tech’s coach, asked for, and got, the permission from his players and school administrators to accept the bid. However, Dodd had to make this idea palatable to the segregationist politicians and their constituencies” (Reese 14). Usually, the acceptance of a bowl bid is left up to the head coach and his team—in this case, however, the head coach had to present a persuasive argument to state politicians who promoted racial segregation and Jim Crowism in the South. The resistance to integration was so extreme in the South, that Griffin and other Georgia legislators saw Dodd as a “traitor,” despite Georgia Tech’s 7-0 victory over Pittsburgh that year.

Following the controversy of the 1955 Sugar Bowl, many events revolving around the integration of black athletes into college sports occurred—events that were both positive and negative. For example, Louisiana state legislators passed a law that restricted college sports teams in the state of Louisiana from competing against teams with black athletes on them. This led non-Southern schools like the University of Pittsburgh, Notre Dame, Wisconsin, etc. to withdraw from bowl games and tournaments, and even cancel regular season games, against Louisiana schools. The State of Louisiana had a number of Jim Crow laws, which did not appeal to Northern schools—for example, Dave Dixon, the founder of the Louisiana Super Dome, once stated that “...no stadium would risk bringing black and white fans together. It was against the law” (Inman). On the other hand, the controversy surrounding the 1955 Sugar Bowl and the push from Louisiana legislators to continue to promote racial segregation drew the attention of many Division I athletic conferences and forced them to acknowledge that changes needed to be made. By 1960, major athletic conferences like the Atlantic Coast Conference (ACC) began to integrate their athletic teams and, thereby, breaking down color barriers.

It was not typical for black student-athletes to get involved in political issues regarding race in the United States because of fear that they would not be able to play their sport. College coaches were willing to allow black athletes on their teams; however, they wanted what they perceived to be “obedient,” “well-civilized,” “passive” black athletes who were focused on academics and would be content with the “privilege” of being on a college sports team. Whenever black athletes voiced their opinions on civil rights issues or tried to improve their situations, college coaches were likely to dismiss them from the team. For example,

...in 1969 Coach Lloyd Eaton dismissed 14 football players from his team because they wanted to protest and draw attention to the Mormon Church’s policies regarding blacks. Fourteen black football players were thrown off the

team at Indiana University for missing practice two consecutive days in protest (Reese 16-17).

B. *Brown v. Board of Education of Topeka*

In 1954, more than a half century after ruling that “separate but equal” facilities were constitutional in *Plessy*, the U.S. Supreme Court issued its landmark decision in *Brown vs. Board of Education of Topeka*, 347 U.S. 483 (1954). In *Brown*, parents of black children who were denied access to white public schools claimed that racial segregation in public schools violated the Equal Protection Clause of the U.S. Constitution because black and white public schools in Topeka, Kansas were not equal to each other and never would be. In a unanimous decision, the Supreme Court made a push for the integration of public schools by declaring that segregation in public schools is unconstitutional. The Supreme Court specifically rejected its decision 50 years earlier in *Plessy* and concluded that the doctrine of “separate but equal” deprived black students of their equal rights because separate educational facilities were “inherently unequal” (Brown 495). Quoting the lower court in Kansas, which “nevertheless felt compelled to rule against the Negro plaintiffs,” the Supreme Court stated,

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn (*Brown* 494).

Although it would take years and more legal battles for public schools in America to become “almost fully” integrated, the Supreme Court’s decision in *Brown* led to integration in other areas and made a lot of schools conform to allowing black athletes on their sports teams. However, Southern legislators took it upon themselves to bar white players from participating in sports with black players. When the Civil Rights Movement began in the 1960s, it brought worldwide attention to the pervasive hypocrisy of racism in America. While advocating for peace and

human rights in other countries, the United States government ignored and even perpetrated persistent and systemic racial inequalities in its own country. Events like the assassination of Rev. Dr. Martin Luther King, Jr., the rise of the Black Panther Party, and other civil rights activities brought the issue of racial inequality to the attention of authoritative figures in the college sports world. Nevertheless, racism and discrimination against black athletes persisted in intercollegiate sports just as it did in American society, and it was only the lucrative expectations that made colleges and universities even consider integrating their sports teams. As Harper notes, “[o]n average, 59,942 fans attend home football games and 10,588 attend men’s basketball games at universities in the Power 5 Conferences. While Black undergraduate men comprise a disproportionately high number of players on these fields and courts, their spectators are overwhelmingly white” (Harper 14).

C. Racial Integration and the Rise of Capitalism in Intercollegiate Athletics

Although the original purpose for creating the NCAA was to regulate safety and a competitive environment at the college level, most of the NCAA’s rules and regulations restrict college student-athletes from earning income, while the NCAA and its member institutions generate and collect extreme amounts of revenue. Public interest in intercollegiate sports began to increase throughout the 1900s, which created an extreme desire to win because winning is what brings in the money. A primary reason for the increased public interest was the integration of black athletes into college sports. Many black athletes excelled in their sports and, as a result, spectators loved watching them perform and more schools began allowing them to participate in college sports. “Money and competition were the two major factors that drove the complete integration of teams. Those two elements were inseparable. In order to make money, teams had to compete” (Reese 18). This meant that, as some schools were allowing blacks to play on their

teams, other schools began to follow the trend in attempts to keep up with the competition. Eventually, competition amongst schools for highly skilled black athletes became so intense that teams began to “cheat the system” in order to beat their opponents. Thus, the tension between intercollegiate sports as part of a well-rounded education and intercollegiate sports as a money-driven industry used to provide lucrative benefits for the white people in charge was exacerbated.

III. The National Collegiate Athletic Association

A. Brief History

In 1906, in response to a directive by President Theodore Roosevelt, several colleges and universities established the Intercollegiate Athletics Association of the United States (IAA) for the purpose of developing rules to help reduce the number of serious injuries and deaths in college football (Sanderson and Siegfried 117).² The original IAA consisted of 62 member schools and, in 1910, the IAA changed its name to the NCAA (Smith, *A Brief History*, 12). Initially, the NCAA’s role in governing intercollegiate athletics was limited, and student-athletes—with some faculty oversight—controlled most of intercollegiate sports (13). In the 1920s, however, as college athletics began to grow in popularity and became more commercialized, the NCAA attempted to implement new rules to maintain the focus of intercollegiate athletics on academics and amateurism rather than entertainment and commercialism (14). In 1948, for example, the NCAA implemented the “Sanity Code,” which Smith notes was intended to “alleviate the proliferation of exploitive practices in the recruitment of student-athletes” (Smith, *Death Penalty*, 992). Because the only real penalty for violating the Sanity Code was expulsion, the Sanity Code proved to be ineffective and, in 1951, the NCAA

² In 1905, there were 18 deaths and more than 100 serious injuries in college football (Smith, *Death Penalty*, 990).

repealed it and created the Committee on Infractions to investigate NCAA rule violations and to impose appropriate sanctions (993).

As the commercialization of college sports increased, the NCAA began expanding its sanctioning authority but was criticized for enforcing the rules unevenly. Smith notes,

On the one hand, [the NCAA] was criticized for responding inadequately to the increased commercialization of intercollegiate athletics, with all its attendant excesses; while on the other hand, it was criticized for unfairly exercising its regulatory authority (Smith, *A Brief History*, 16).

This led the NCAA to divide its member schools into athletic divisions based on the level of competition, with different sanctioning authorities committed to regulating each division. The NCAA believed this approach would enable it to provide more equal treatment to schools when enforcing NCAA requirements. This scared the presidents of some schools, as they began to realize that their reputations would depend heavily on the success of the school's athletic program, which directly correlated with the amount of revenue the program generated. Placing too much emphasis on winning causes colleges and universities to compromise their mission of educating students (i.e., creating "true student-athletes") and leads to the exploitation of student-athletes (Sobocinski 272-273). By implementing a culture of "winning at all costs," colleges and universities incorporated unethical behavior into what should have been an enjoyable, friendly, and competitive atmosphere. The increased concentration and expansion of the NCAA's enforcement authority challenged the ability of college presidents to bend the rules and build winning sports programs by manipulating and exploiting student-athletes. With the increased popularity and commercialization of college athletics, the NCAA has struggled to preserve the fairness and integrity of intercollegiate sports.

B. Organizational Structure

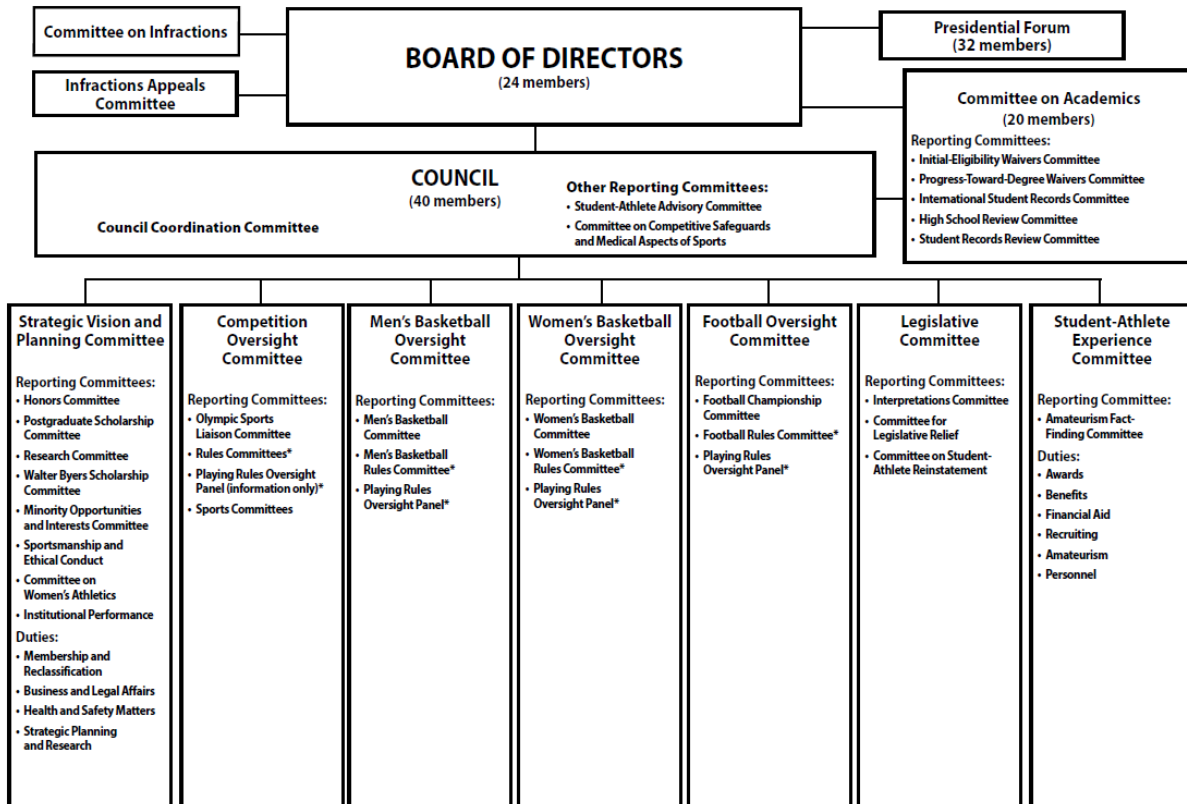
The NCAA is comprised of various departments that operate like a large firm. It has a Board of Governors, which consists of 25 members and is the ruling body of the NCAA; a Board of Directors, whose members are selected by the constituencies (i.e., athletic conferences) that they represent; and a Council and Committee on Academics, both of whose members are selected by the Board of Directors (NCAA Manual 17-26; see also Chart 2 on page 15). The NCAA's member institutions are divided into three divisions—Division I, Division II, and Division III—based on such factors as the size of the institution, the number of sports offered, and the number of athletic scholarships awarded. As of 2019, the NCAA has 1,117 volunteer member institutions and over 480,000 student-athletes attending those institutions, including nearly 350 Division I schools and more than 170,000 Division I student-athletes (NCAA Manual 440; NCAA Division I). This paper focuses on Division I football and men's basketball, which generated nearly \$978 million of the more than \$1 billion in total revenue reported by the NCAA in 2018 (NCAA Consolidated Financial Statements 1; see also Chart 3 on page 16).

Chart 2

Division I Governance Structure

26

2019-20 Division I – August



*For information purposes.

Chart 3

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION AND SUBSIDIARIES

CONSOLIDATED STATEMENT OF ACTIVITIES FOR THE YEAR ENDED AUGUST 31, 2018

	2018			Total
	Unrestricted	Temporarily Restricted	Permanently Restricted	
REVENUES:				
Television and marketing rights fees	\$ 844,267,484	\$ -	\$ -	\$ 844,267,484
Championships and NIT tournaments	133,374,157	-	-	133,374,157
Investment income—net	22,657,492	-	-	22,657,492
Sales, services, and other	57,456,759	-	-	57,456,759
Contributions—facilities—net	-	6,647,348	-	6,647,348
Total revenues	1,057,755,892	6,647,348	-	1,064,403,240
RECLASSIFICATIONS:				
Temporarily restricted resources used for occupancy costs	4,885,482	(4,885,482)	-	-
Temporarily restricted resources used for program services	138,091	(138,091)	-	-
Total reclassifications	5,023,573	(5,023,573)	-	-
EXPENSES:				
Distribution to Division I members	609,223,992	-	-	609,223,992
Division I championships, programs, and NIT tournaments	103,401,082	-	-	103,401,082
Division II championships, distribution, and programs	41,836,305	-	-	41,836,305
Division III championships and programs	32,321,528	-	-	32,321,528
Association-wide programs	207,145,686	-	-	207,145,686
Management and general	43,377,401	-	-	43,377,401
Total expenses	1,037,305,994	-	-	1,037,305,994
TOTAL CHANGE IN NET ASSETS	25,473,471	1,623,775	-	27,097,246
NET ASSETS—Beginning of year	352,095,244	46,652,961	150,000	398,898,205
NET ASSETS—End of year	\$ 377,568,715	\$ 48,276,736	\$ 150,000	\$ 425,995,451

See notes to consolidated financial statements.

C. Governance of Intercollegiate Athletics

When it was created, the main purpose of the NCAA revolved around the notion that intercollegiate sports strive for morality and fairness in play while helping young student-athletes acquire a college education. A major purpose of the NCAA is to “maintain intercollegiate athletics as an integral part of the *educational program* and the athlete as an integral part of the student body and, by so doing, *retain a clear line of demarcation between intercollegiate athletics and professional sports*” (Hanlon 48-49). The NCAA controls all aspects of intercollegiate athletics—regulates athletic competition, sets eligibility rules for athletes, establishes restrictions and guidelines for recruitment of prospective student-athletes, conducts

championship events, enters into television and promotional contracts, and enters licensing agreements for the NCAA name and logos (Hanlon 47).

The NCAA Constitution provides governing principles to guide how players and coaches are expected to behave and the moral standards by which they are expected to operate (NCAA Manual 1-43). The NCAA Constitution establishes rules and principles in a manner similar to how bills become laws in the United States. It consists of 16 “Principles for Conduct of Intercollegiate Athletics” listed in Article 2 of the NCAA Constitution, including principles of student-athlete welfare and amateurism (NCAA Manual 3-5). Other principles listed in the NCAA Constitution include principles of sound academic standards, institutional control and responsibility, and competitive equity. NCAA legislation is divided into four categories (*i.e.*, dominant, division dominant, common, and federated), depending on whether the rule applies to all member institutions, certain divisions, or specific divisions or subdivisions that adopt it. Under Article 5.01.1 of the NCAA Constitution, any NCAA legislation must be consistent with the “purposes and fundamental policy set forth in [Article 1 of the NCAA Constitution],” and must be designed to “advance one or more principles such as those set forth in [Article 2]” (NCAA Manual 29).

IV. The Role of Race in the Compensation Debate

Like in American society at large, racism and discrimination exist in intercollegiate sports, and many scholars contend that the NCAA’s policies, including its refusal to pay fair compensation to student-athletes beyond the basic athletic scholarship, exploit black student-athletes—particularly, in light of the billions of dollars in revenue these student-athletes generate. Perhaps the most important point to note about athletic scholarships is that people of different races and cultures tend to view them differently. In the black community, individuals

are encouraged to compete and work for the opportunity to receive an athletic scholarship as a way to receive a free college education—without an athletic scholarship, many people in the black community think they will not be able to afford a quality education. This is related to the history of racism and discrimination in the United States, which prevented many blacks from attending college or prevented their parents from obtaining jobs that would enable them to pay for their children to attend college. Many black parents view sports as a way to instill important societal values in their children, which translates to a desire on the part of the child to be good at the sport in which he or she participates. Although sports help children learn certain values like discipline, work ethic, and competitiveness, these values can be learned from other sources as well. According to Frey, studies have shown that non-athletes exhibit the same values as athletes, showing that there is no correlation between playing sports and acquiring certain moral values. Most sociologists have concluded that when there is a socialization effect in sport, it is because the youth participants already have or are comfortable with the values and behavioral traits that lead to success in sport (Frey 506).

Non-African Americans, on the other hand, view college athletics as a “consumption product” for their enjoyment and do not care about whether student-athletes are compensated beyond an athletic scholarship; non-African Americans generally oppose changes to college athletics, including compensating student-athletes” (Druckman, Howart, and Rodheim). Wallsten, Nteta, McCarthy, and Tarsi examined the role of racial resentment in anti-black prejudice and ideological conservatism—specifically, the role of racial resentment in whites’ opinions on the question of whether college student-athletes should be compensated. They concluded that African Americans are more than twice as likely to support compensating college athletes than whites and that racial resentment does not measure ideological conservatism as

much as it does anti-black prejudice. These studies suggest that race plays a significant role in the opinions of blacks and whites regarding whether college athletes should receive compensation and that racial prejudice has a direct correlation with how white people view the issue of athlete compensation in college athletics. Unfortunately, for black student-athletes, the vast majority of athletic directors at the 65 schools that make up the Power Five conferences and all of the conference commissioners are white males (Harper 8).

A. Discrimination against Black Athletes within Sports

Despite the integration of college sports teams, many black student-athletes still face racism and discrimination. Hawkins compares the relationship between black student-athletes and predominantly white Division I colleges and universities to the relationship between black slaves and white slave owners during the colonial era in America, and asserts that athletic teams at predominately white institutions seem to show interest only in black athletes that come from poorer neighborhoods and possess only skills related to sports rather than education. In other words, they target kids who view sports as their best (and, sometimes, only) opportunity to improve their family's economic situation and, therefore, are "grateful" for the mere opportunity to play college sports and are less likely to challenge the *status quo*. In many cases, these student-athletes are less prepared to meet the academic requirements of their institutions and, therefore, are less likely to graduate. Black student-athletes graduate at far lower rates than white student-athletes, other black undergraduate students, and undergraduate students generally. In Power Five conferences, less than 40 percent of black student-athletes graduate in six years (Harper 6; see also Chart 4 on page 20). As Hawkins states, "[t]he dehumanization of Black athletes takes place when these institutions value Blacks more as athletes than as students,

especially when output (athletic performance) does not equal input (educational opportunities)”
(Hawkins 71).

Chart 4

UNIVERSITIES WITH HIGHEST BLACK MALE STUDENT-ATHLETE GRADUATION RATES

<i>University</i>	<i>Grad Rate %*</i>
1. Northwestern University	88
2. Vanderbilt University	86
2. University of Notre Dame	86
4. Stanford University	82
5. Duke University	81
6. Georgia Institute of Technology	70
7. University of Michigan	67
7. Wake Forest University	67
9. University of Louisville	65
9. University of Virginia	65
9. Clemson University	65
10. University of Utah	64
10. University of Miami	64

UNIVERSITIES WITH LOWEST BLACK MALE STUDENT-ATHLETE GRADUATION RATES

<i>University</i>	<i>Grad Rate %*</i>
65. Louisiana State University	34
64. University of Georgia	36
63. University of Florida	37
62. Oklahoma State University	38
61. University of California, Berkeley	39
60. University of Iowa	40
60. University of Arkansas	40
58. University of Kentucky	41
58. Ohio State University	41
56. University of North Carolina	43
55. Kansas State University	44
55. Iowa State University	44
53. University of Mississippi	45

UNIVERSITIES WITH HIGHEST PERCENTAGE POINT INCREASES IN BLACK MALE STUDENT-ATHLETE GRADUATION RATES

<i>University</i>	<i>2016 Rate %*</i>	<i>2018 Rate %*</i>	<i>Percentage Point Difference</i>
1. Kansas State University	26	44	18
1. University of Louisville	47	65	18
3. Vanderbilt University	69	86	17
4. Michigan State University	33	46	13
5. University of Mississippi	33	45	12
6. University of Southern California	41	52	11
6. University of Wisconsin	47	58	11
6. Mississippi State University	51	62	11
8. University of Minnesota	48	57	9
9. Auburn University	49	57	8
9. Indiana University	50	58	8
9. University of Michigan	59	67	8
10. University of Arizona	51	58	7
10. University of Virginia	58	65	7

UNIVERSITIES WITH HIGHEST PERCENTAGE POINT DROPS IN BLACK MALE STUDENT-ATHLETE GRADUATION RATES

<i>University</i>	<i>2016 Rate %*</i>	<i>2018 Rate %</i>	<i>Percentage Point Difference</i>
1. University of Georgia	51	36	-15
2. Louisiana State University	45	34	-11
2. Ohio State University	52	41	-11
4. North Carolina State University	60	51	-9
5. University of Nebraska	64	56	-8
6. Oregon State University	57	50	-7
6. University of Maryland	62	55	-7
6. Baylor University	62	55	-7
6. Stanford University	89	82	-7
8. University of Florida	43	37	-6
8. University of Kentucky	47	41	-6
8. Northwestern University	94	88	-6
9. Rutgers University	54	49	-5
10. Texas A&M University	50	46	-4
10. West Virginia University	55	51	-4
10. UCLA	61	57	-4
10. University of Alabama	63	59	-4

*Across four cohorts

According to Frey, black athletes face discrimination in three main areas: position allocation, analysis of performance differentials, and reward structures (Frey 513). Black athletes typically are assigned positions based on racial stereotypes (e.g., positions that require more physical skills, such as speed and quickness, rather than intellectual or leadership skills) and are placed in “noncentral” positions (i.e., positions that require less interaction with the rest of the team and have less impact on outcome, such as running back, receiver, and defensive back in football; forward in basketball; and outfielder in baseball) (514). On the other hand, white athletes are usually assigned more “central” positions that require high-level decision-making skills and are universally praised as top leadership positions (e.g., quarterback in football or point guard in basketball). Also, blacks are usually represented as part of athletic teams if they are contributing to the team’s success—in other words, they are more likely to be cut because of their lack of skill than white athletes. As discussed in Chapter II of this paper, like other aspects of American society, blacks athletes were welcomed into intercollegiate sports only when white people realized that integrating them onto sports teams led to more wins and monetary gains—thus, making intercollegiate sports less about culture and more about economics.

Like racism and discrimination in society at large, racism and discrimination against black student-athletes in sports affect all aspects of their lives, including in the classroom. In the classroom, black student-athletes’ worth is often devalued and stereotypes of the “black dumb jock” are perpetuated. Black student-athletes often feel less welcomed by faculty and other members of the college community and sometimes develop a “chip on their shoulder,” as they must constantly prove their intellectual ability. As a result, many black student-athletes lack confidence and feel alienated outside of their sport—their sport is what makes them feel accepted by others, not how educated they are or even their unique personalities. Renowned scholar and

civil rights activist, Harry Edwards, described the plight of black student-athletes more than 30 years ago:

They must contend, of course, with the connotations and social reverberations of the traditional ‘dumb jock’ caricature. But Black student-athletes are burdened also with the insidiously racist implications of the myth of ‘innate Black athletic superiority,’ and the more blatantly racist stereotype of the ‘dumb Negro’ condemned by racial heritage to intellectual inferiority (Harper 4).

B. The Myth of Amateurism and Exploitation of Black Student-Athletes

The term “amateurism” has been used to describe the nature of college sports throughout the history of the NCAA. The NCAA and its member schools have been criticized for considering college athletes to be amateurs but demanding a professional level of dedication and work ethic from them. Amateurs usually are not old enough to make financial decisions or to take care of themselves. For the most part, student-athletes who participate in college sports are 18 years old (i.e., the legal age of majority in the United States) and older, and often have families that depend on them for financial support. At the very least, the notion of amateurism in major college athletics today is hypocritical, and a number of scholars have argued that the NCAA promotes amateurism as a way to control its member institutions and student-athletes.

One argument against compensating student-athletes is that they are young when they enter college and probably would not make wise investments with the money; however, if the NCAA were a criminal court, these “amateurs” would be tried as the adults that they are. Moreover, even teenage employees are required to be compensated for the work that they perform. The claim that student-athletes are compensated by receiving a free college education through an athletic scholarship is also weak since the value of an athletic scholarship represents a mere fraction of the hundreds of millions of dollars in annual revenue these players generate for their schools and the NCAA. Athletic scholarships generally cover tuition, room, board, books,

and fees (Sanderson and Siegfried 116).³ Owens argues that student-athletes choose to participate in intercollegiate sports because it is the best place for them to develop and market their athletic skills (Owens 9). The primary reason student-athletes accept NCAA policies is because they think participation in college athletics will pay off in the long run with a lucrative professional contract. Fortunately, a few of the NCAA's amateurism policies benefit student-athletes—like the policy that permits colleges and universities to purchase insurance policies to guard against student-athletes who are potential high-level draft picks suffering career-ending injuries. For example, in 2018, Zion Williamson, a basketball player at Duke University who was projected to be the first overall selection in the NBA draft, injured his knee in a regular season game. However, Zion had an injury insurance policy that would have paid him \$8 million if he was selected below the 16th draft pick. Unfortunately, these special benefits are not available to all Division I scholarship athletes—and when it comes to getting drafted to play professional sports, politics plays an important role in determining who qualifies for injury insurance and who does not. While some of the NCAA's policies benefit student-athletes, the NCAA's refusal to provide compensation to student-athletes for the use of their names and images is not only a violation of the student-athlete's rights, but also constitutes exploitation of the student-athlete—especially considering the large amounts of revenue the NCAA and its member institutions generate from using the players' names and images. Under the NCAA, intercollegiate athletics have transitioned from “student-organized competitions to a sports entertainment enterprise”—the notion of “amateurism” should have been re-evaluated when

³ On October 2019, the NCAA Board of Governors voted unanimously to allow student-athletes to receive compensation for the use of their names, images, and likenesses “in a manner consistent with the collegiate model.” The Board of Governor's action directed each of the three NCAA divisions “to immediately consider updates to relevant bylaws and policies for the 21st century” (Board of Governors).

coaches started to receive multi-million-dollar contracts and bonuses based on how well their teams perform.

Exploitation of student-athletes became more blatant, and the culture of amateurism disappeared from major college athletics, when the NCAA and its member schools started making billions of dollars at the expense of student-athletes, who are the backbones of college athletic programs and the NCAA. One way the NCAA makes money is through the “brand equity of player”—the notion that star players increase ticket and merchandise sales. For example, the NCAA Division I men’s basketball annual National Championship tournament has grown so popular that it is referred to as “March Madness” to describe how excited and crazy fans get over the chance to see their favorite college players battle each other. The excitement surrounding March Madness has grown exponentially over the decades through social media, player marketing, and television commercials that sponsor it. In the 2008-09 season, 90 percent of the NCAA’s budget was generated by its 11-year, \$6.2 billion contract with CBS Sports to televise live games; the NCAA replaced the last three years of this contract with a new 14-year contract with CBS and Turner Broadcasting Network for \$10.8 billion through 2024 (Senne 15). That is over \$550 million dollars annually, a large proportion of which is made directly from promoting and advertising the names and images of players in major Division I college athletics. It seems only fair that the players would receive fair compensation for the value that they bring to their schools and the NCAA—everyone is making money from the student-athletes’ hard work but the student-athletes themselves.

Greenberg also examined the business side of college athletics but focused on how college coaches are benefiting—he argues that the NCAA operates more like a business, with athletic directors making multi-million-dollar deals and athletic departments bringing in as much

as \$20-30 million a year (Greenberg 6). As noted Chapter III, NCAA Division I football and men's basketball generate more than 80 percent of the NCAA's revenue on an annual basis, and a disproportionate number of black student-athletes participate in those sports (NCAA Consolidated Financial Statements; NCAA Demographics Database). Interestingly, however, these two sports have the most restrictions on the ability of student-athletes to play their sport professionally. For example, players must be out of high school for at least three years before they are eligible to play in the National Football League (NFL) and must be out of high school for at least one year in order to play in the National Basketball League (NBA). In sports dominated by white players, however, like baseball and hockey, athletes can be drafted right out of high school; and, in other sports dominated by white athletes, like tennis and golf, athletes can compete professionally even before they graduate from high school. Not only is a majority of players in these sports white but, because of the financial demands of pursuing a career in a sport like tennis or golf, the players also usually come from financially stable backgrounds. Many black athletes that go on to play college football come from impoverished neighborhoods and believe that their best chance of earning a decent income is through their sport. Arguably, it would make more sense to allow football and men's basketball players to play professionally immediately after high school rather than the other way around. Unfortunately, however, the individuals imposing the restrictions on black athletes—athletic directors, chancellors, college presidents, etc.—are not a very diverse group. There are mostly white men that are in these positions of power (Harper 8).

Although black student-athletes receive a disproportionate number of the athletic scholarships in major Division I college football and men's basketball, white student-athletes are more likely to have lucrative careers after college outside of sports. In the context of

intercollegiate athletics, the idea that sports are an avenue of upward economic and social mobility for blacks is a myth. The reality is that less than two percent of Division I football and men's basketball players are drafted into the NFL and NBA each year, and even fewer of those athletes will make NFL and NBA rosters (Harper 17). While black student-athletes generate a large proportion of the revenue earned in major Division I college football and men's basketball, aside from their basic athletic scholarships, they do not receive any of this revenue. Rather than compensate student-athletes for their hard work, major Division I football and men's basketball programs are likely to use their revenue to pay multi-million dollar salaries to their head coaches or to create new athletic facilities. Higher coaches' salaries and new athletic facilities do not benefit the players directly and, in many ways, exacerbate the problem of commercialization—the higher salaries create more pressure for coaches to win, and new athletic facilities are a strong selling point in recruiting. In theory, one can play football on virtually any field with grass or turf on it. In a sport like tennis, however, where white athletes are overrepresented, there is more independent growth and production involved that allows most of the monetary returns produced to go to the athlete. Also, sports like tennis and golf *require* highly specialized training and facilities for student-athletes to get better. Therefore, technically, student-athletes in tennis, golf, and other non-revenue sports are benefiting from the revenue earned by black student-athletes more than the black student-athletes themselves. This type of phenomenon is referred to as a “sports opportunity structure”—blacks excel in sports where facilities, coaches, competition are available to them (e.g., in schools, community recreation programs, etc.) but are not represented in sports where access to decent facilities, coaches, etc. require a large financial investment or membership in a private country club (Frey 513).

1. National Letters of Intent

In order to receive an athletic scholarship, a prospective student-athlete must sign a National Letter of Intent (NLI), or contract, with his or her prospective school. The NLI imposes specific requirements and restrictions on student-athletes, and there are penalties for violating the terms of these contracts. Because prospective student-athletes are unable to negotiate the terms of their NLIs, as discussed in greater detail later in this chapter, some scholars have argued that requiring scholarship student-athletes to sign an NLI is one way the NCAA exploits student-athletes. Once a student-athlete signs an NLI, for example, he is precluded from transferring to another school without losing eligibility to compete for one year; the NCAA does not impose similar restrictions on its member schools or their coaches.

Many Division I college coaches abuse their power to award athletic scholarships by revoking scholarships from players for little or no reason—even if it is simply because the player is not performing at the level the coach desires. In his book entitled, *The New Plantation*, Dr. Billy Hawkins examines the relationship between predominantly white NCAA Division I institutions and black student-athletes, and describes what he refers to as his “epiphany” regarding the recruitment process and how college coaches can easily replace a student-athlete:

Little did I know that my opportunity to advance and compete would come at a price of another athlete having to be discarded because his eligibility expired or his value depreciated. This perpetual system sustains a competitive environment and limits the opportunity for collective bargaining because ultimately your teammate is also your competitor (Hawkins 10).

Many young athletes do not understand that college athletics, including the recruitment process, is a business—most coaches portray their interest in a student-athlete as personal when, in reality, they would replace the student-athlete “in a heartbeat” under the right circumstances just

as if they were working for a large firm. This type of behavior by coaches has led numerous college players to transfer to other schools in hopes of receiving better treatment.

2. The “Transfer Rule”

The NCAA protects the interests of its member institutions and “big business” at the expense of student-athletes (Hanlon 56). Transferring schools may be the key solution to a player’s success or may significantly improve his chances of earning a roster spot in the NFL or NBA; however, there are consequences for the student-athlete who transfers schools. All “student-athletes,” regardless of their circumstances, are penalized for transferring from one institution to another. These penalties include being required to complete one full year of academic residence before being eligible to compete, not being eligible to receive an athletic scholarship from the new school unless and until the student-athlete receives a release from his previous school (a release players sometimes do not get), and more. Hanlon contends that the transfer rule is “arbitrary and capricious discrimination against the *revenue* producing sports”—it would be absurd for a professor to tell a theater student who transfers from Harvard to Yale that he cannot participate in theater for one year (Hanlon 75). In 2004, the Pac-12 conference submitted a proposal to the NCAA that would have allowed basketball, football, and ice hockey players to transfer once without having to sit out a year. Although this rule was already in effect for all other sports (i.e., non-revenue producing sports), the Pac-12’s proposal was rejected at the 2005 NCAA annual convention (Hanlon 75).

Jalen Hurts, the former starting quarterback for the University of Alabama’s football team, provides a great case study of a student-athlete who was harmed by the NCAA’s “transfer rule.” Hurts earned incredible accolades by only his sophomore year in college. In addition to being named 2016 Freshman of the Year and Offensive Player of the Year for the SEC, which is

widely regarded as the toughest conference in college football and produces the most players who are drafted into the NFL, Hurts helped Alabama win the NCAA Division I Football Bowl Subdivision (FBS) national championship for the 2017 season. Due to an unfortunate injury following a stellar sophomore season that almost earned him the prestigious Heisman Trophy (an award granted to the best player in college football), Hurts lost his position as the starting quarterback for Alabama to a younger player named, Tua Tagovailoa. This led Hurts to transfer to the University of Oklahoma in order to continue his college football career and have a chance to impress professional scouts; however, he was ineligible to play football during his first season at Oklahoma due to restrictions in the NCAA Constitution on scholarship athletes who transfer to other schools. In addition to transferring to another school to improve his or her chances of starting or playing professionally like Hurts, other reasons a student-athlete may transfer include the institution does not renew the player's scholarship (e.g., the original coach is fired, and the new coach decides that the player does not fit into his system or plans for rebuilding the team) or a student-athlete is "run-off" or coerced to leave the team (e.g., instead of telling the player that his scholarship will not be renewed, the coach mistreats the player and makes him so miserable that the player decides to transfer).

3. NLIs as "Unconscionable Contracts of Adhesion"

A strong argument can be made that the NLI that student-athletes must sign in order to receive an athletic scholarship is an "unconscionable contract of adhesion" and, as such, perpetuates the NCAA's exploitation of student-athletes, particularly black student-athletes. The NCAA claims that its mission is to promote amateurism and student-athlete welfare while trying to generate as much revenue as possible for its member schools. Over time, the principles of student-athlete welfare and amateurism have eroded. Big-time intercollegiate athletics is now a

billion-dollar industry and member schools “strive to cash in” (Hanlon 56). Under Article 2.2.4 of the NCAA Constitution, each member institution has a responsibility “to establish and maintain an environment that fosters a positive relationship between the student-athlete and coach” (NCAA Manual 3); however, because of money, “winning-at-all-costs as soon as possible” has become more important than student-athlete welfare. Like professional sports teams, under NCAA Rule 15.3.5.1, NCAA member institutions may reduce, cancel, or choose not to renew a player’s athletic scholarship for a number of reasons (NCAA Manual 212). Many college coaches use this provision to replace players they do not think are talented enough and choose not to apply the provision to players they consider to be more talented. The athletic scholarship is a contract that contains elements of oppression, unfair surprise, and terms unreasonably favoring the institution. Courts have consistently held that athletic scholarships are contracts—a contract creates a legal responsibility to fulfill a promise and requires “consideration” (i.e., a bargain-for exchange or suffering of a legal detriment) (Hanlon 58). Contract laws have evolved from a classical model, which focused on “individual autonomy and noninterference by the state,” to a neoclassical (*i.e.*, modern) model, which tries to balance individual autonomy with social factors, public policy, and morality.

Several courts have held that both student-athletes and NCAA member institutions can assert “breach of contract” rights against each other regarding athletic scholarships (Hanlon 61-62).⁴ Because athletic scholarships are typically one-sided, an argument could be made that they are “contracts of adhesion.” A “contract of adhesion” is a contract that is formulated by one party and presented to another party to sign; in most cases, the other party is receiving the “short

⁴ Hanlon cites *Ross v. Creighton University*, 957 F.2d 410 (7th Cir. 1992), *Taylor v. Wake Forest University*, 191 S.E.2d 379 (N.C. Ct. App. 1972), and other cases.

end of the stick” when committing to the contract. There are three main elements in contracts of adhesion: (a) time and expert planning by the party offering the contract, (b) the weaker party has little knowledge or experience with the contract or its terms, and (c) there is a disparity of bargaining power between the parties (i.e., the weaker party must “take-it-or-leave-it”) (Hanlon 65). In the world of business, parties to a contract usually negotiate the terms of the contract before signing it. In the case of athletic scholarships, however, student-athletes cannot bargain for specific terms and, therefore, cannot hold institutions or coaches to verbal promises that are not included in the NLI or other standard NCAA and university forms. In addition to the NLI, other contractual documents that are binding on scholarship athletes include the Statement of Financial Aid (SFA), recruitment letters, university bulletins, etc.—all of which contain terms that cannot be negotiated by a player.

Although athletic scholarships resemble unconscionable contracts of adhesion, in order to find an institution at fault, one must prove it to be at fault legally. The party raising the claim of unconscionability has the burden of proving that, “in light of the general commercial background . . . the term or contract involved is so one-sided as to be unconscionable under the circumstances existing *at the time of the making of the contract*” (Hanlon 67). Courts generally have relied on a two-part test for determining unconscionability: (i) procedural unconscionability, which focuses on oppression (i.e., the absence of meaningful choice or real negotiation) and unfair surprise (i.e., hidden or concealed terms in the contract) and (ii) substantive unconscionability, which focuses on whether the terms of the contract are unreasonably favorable to the drafting party (e.g., unfairly one-sided or overly harsh allocation of risks or costs) (Hanlon). Athletic scholarships not only have elements of oppression and unfair surprise, but they also are the result of “gross inequality of bargaining power” between the institution and the student-athlete. As a general

rule, student-athletes must “take the contract or leave it,” which oftentimes leads players to sign NLI to attend schools they will not particularly enjoy playing for simply because they want the “free ride.” The NLI specifically states that the student-athlete cannot negotiate, change, or delete any of the provisions (NLI 15).

There is clearly a substantial imbalance of knowledge, experience, and bargaining power between the parties to the NLI, especially with respect to NCAA rules. Also, the rules governing participation in intercollegiate athletics are complicated and difficult to understand, as indicated by the NCAA Manual itself, which is 452 pages long, and the numerous violations committed by coaches, student-athletes, and NCAA member schools on an annual basis. It is unreasonable to expect a young person who, in most cases, is barely 18-years-old to dissect and digest the meanings behind all of the NCAA rules to determine whether he is being exploited. NCAA member institutions have individuals and departments that focus on this area and still struggle to understand all of the rules; however, the terms of athletic scholarships are unreasonably favorable to NCAA member institutions, which create incentives for coaches to withhold information and manipulate prospective student-athletes. For example, NLIs permit member schools to decline to renew a student-athlete’s scholarship but do not permit the student-athlete to accept a scholarship from another school without the current school’s permission. To achieve fairness, courts should refuse to enforce provisions in the NLI that are found to be unconscionable or add terms to negate the unconscionable results. There have been attempts to prove unconscionability in athletic contracts, but courts have declined to award damages in such lawsuits. Since student-athletes and their parents expect athletic scholarships to be renewed automatically, one possible way to alleviate the suspicion of unconscionability would be to award extended term scholarships for four or five years (Hanlon 76). This could substantially

reduce the unconscionability element of athletic scholarships and would help place the focus of intercollegiate athletics back on education by discouraging coaches from “running off” student-athletes who don’t meet athletic expectations and discouraging star student-athletes from leaving school early to pursue professional careers.

V. Theoretical Perspectives

A. Marxism

College athletics provide a route to higher education for many young men and women who would not be able to obtain such an education otherwise. However, in many cases, the ability of student-athletes to meet the academic standards of their institution is undermined because of the demands participating in athletics places on them. Offering athletic scholarships to student-athletes with the promise of a free college education but failing to provide an environment where such student-athletes can succeed in attaining a college degree is another way the NCAA and its member institutions exploit student-athletes. Sociologist Derek Van Rheenen argues that the nature of capitalism has allowed the NCAA to commodify young athletes to make profits, even a portion of which these student-athletes will never receive. The exploitation of college student-athletes occurs primarily in Division I football and men’s basketball—two sports in which athletes of African American descent primarily participate. Rheenen states, “the college athletes recruited to compete in these sports pose an institutional dilemma, as they are often the most academically under-prepared relative to other students but are admitted nonetheless” (Rheenen 551). There are many instances where colleges and universities accept athletic recruits for admission, even though their SAT scores and high school transcripts raise serious questions about whether the students can flourish academically at the schools. Sonny Vaccaro, a former “godfather of commercialized basketball,” once said, “ninety

percent of the NCAA revenue is produced by one percent of the athletes,”—the skill positions, which generate most of the revenue, are “ninety percent African American” (Rheenen 552).

Some scholars have compared the NCAA’s exploitation of black student-athletes to the exploitation of blacks during slavery, where blacks were considered to be “property.”

Historically, the legal system in the United States has always placed a greater emphasis on property rights rather than human rights, which has led to exploitation in many different areas of the labor market.

There is blatant hypocrisy that persists in the culture of college athletics. For example, Nick Saban, the head football coach at Division I FBS powerhouse Alabama, made more than \$11 million in 2017 (including bonuses), which is more than both Greg Popovich (successful head coach of the NBA’s San Antonio Spurs) and Bill Belichick (head coach of the perennial NFL Super Bowl champion New England Patriots) made in that same year. Harper notes,

On average, Power 5 football coaches earn \$3.7 million annual salaries. Head coaches of men’s basketball teams at the 65 universities earn an average of \$2.7 Million. Black men are 11.9% of these head coaches. Power 5 athletic directors earn, on average, \$707,418 annually. Black men are 15.2% of these athletic directors. The five conference commissioners earn, on average, salaries that exceed \$2.5 Million. None are black (Harper 8).

The NCAA’s exploitation of student-athletes is not limited to monetary gains; it contains educational, racial, and social overtones and is based on a moral philosophy of which most are unaware. Exploitation is present in any transaction that involves a person using the resources or abilities of another person for their benefit. With this moral understanding of exploitation, Rheenen claims, “one could arguably agree that colleges and universities receive undeserved benefits from student athletes, using their athletic talents as a means to the institution’s end of generating revenue and public visibility” (Rheenen 553). Revenue received from intercollegiate

athletics is used in “masking” ways, by increasing coaches’ salaries, building top-notch facilities (both athletic and academic facilities), and paying administrative costs.

Although many acknowledge the perceived exploitation of black student-athletes in intercollegiate sports, there is still the question of how to measure the amount of money that should be given to the student-athletes for their performance. Some economists have resorted to Marxism—the belief that exploitation is measured by calculating surplus value—to explain the value of athletic participation and performance in sports. Surplus value is typically considered to be the value a worker brings to a firm that is beyond the means of subsistence derived from the worker’s labor. In other words, a worker’s surplus value is equal to his or her “surplus labor.” Karl Marx, the creator of Marxist Theory, or “Marxism,” claimed that capitalists seek monetary profits through the exploitation of workers, which could send an economy into a political struggle. Ultimately, Marx believed that capitalism could not exist without implementing exploitation. In his essay entitled, “Wage-Labour and Capital,” Marx suggests, “...labour power, therefore is a commodity, neither more or less than sugar. The former is measured by the clock, the latter by the scales” (Rheenen 554).

In capitalist societies, the commodification of products drives the economy because the ultimate end is assumed to be the maximization of utility as profits—generally, money profits. Labor has readily become commodified in our economy by the wages that are paid in return for products manufactured by the labor. This type of commodification can be seen in Division I athletics in today’s society—however, there is little or no return given to the student-athletes for the labor they invest. Instead of a fair wage, they are convinced that an athletic scholarship is an equivalent substitute. In 1988, the Gross National Sports Product (GNSP) was \$63.1 billion, higher than the automobile, petroleum, and airline industries, showing how prominent the

commercial aspect of sport is (Frey 508); and as of 2011, the Gross Domestic Sport Product (GDSP) was estimated to be between \$168 billion and \$207 billion (Chelladurai and Milano). The labor student-athletes invest in their school's program consists of the exertion put on their bodies from practices, games, and other workouts; disciplined diets; and other items like spending extra time after practice watching film to prepare them to perform their best in each competition. Rather than producing material things, the labor invested by student-athletes translates to their athletic production. In the workforce, an individual is classified as an employee who receives compensation, benefits, and job security (in some cases) in exchange for the loyalty and subsistence that he or she brings to the respective firm.

In the world of college sports, not only is money a big gain from the exploitation of Black student-athletes, but prestige is also gained from well-performing programs. The desire to win is the main reason college coaches recruit the players they do. Coaches typically approach the recruiting process as if they are building a business firm. Often, coaches use phrases like, "I believe you can bring a lot of good things to our program," or "we can win a championship with a player like you." Although such phrases generally are viewed as statements of admiration and endearment, coaches can—and will—easily revoke a student-athlete's scholarship and give it to another player if the student-athlete does not perform at the level the coach expects:

This reification of productive behavior into a commodity brings with it the possibility of substituting or exchanging one person for another: the possessor of quantitatively accessed low abilities can, when he fails to fulfill the production goals assigned to him, be replaced by the possessor of greater abilities...Athletes can thus be directly compared to one another on the basis of their market value (Rheenen 555).

The culture the NCAA has allowed to develop in intercollegiate athletics incorporates the theory of marginal productivity, which assumes the players in the market are seeking to maximize revenue—essentially, this is what individual institutions are trying to accomplish. The theory of

marginal productivity corresponds with the concept of marginal revenue product (MRP), which “is the change in total revenue resulting from a unit change in variable input, keeping all other inputs unchanged” (Rheenen 556). Thus, if a player receives any less than the value that he brings to an organization, in “dollar terms,” by definition, he is being exploited. However, one argument that is readily made against providing fair compensation to college student-athletes is that institutions provide the student-athletes with a free education that consists of promising returns, and that makes up for the monetary compensation the student-athletes are not receiving. This argument loses steam, however, when one breaks down the number of college student-athletes who graduate with a Bachelor’s degree by race. For example, “...79% of the teams in the 2010 Men’s Division I NCAA Tournament graduated at least 70% of their white athletes, while only 31% of the teams in the field graduated at least 70% of their black players: a 48% achievement gap on graduation rates” (Rheenen 558). Considering that black student-athletes receive the majority of athletic scholarships awarded in Division I football and men’s basketball, one would expect different results. Division I college football and men’s basketball generate the most income out of all NCAA sports and recruit heavily from the black community, which means that colleges derive a disproportionate amount of benefits from the black community. Therefore, exploitation and racism in college athletics go hand-in-hand.

B. College Sports as a Microcosm of Society

College sports are a microcosm of society in the way that they have evolved from a “playful, participation-oriented activity” into a corporate activity that is driven by “principles of commercialism and entertainment” (Frey 503). Intercollegiate athletics share the same characteristics as the culture of society today in that interpersonal levels of race and gender still possess inequality in different aspects of the culture—both political and personal. There are

stereotypes regarding the treatment of minorities and women in college sports that reflect how they are treated in the real world or, in some cases, even can be formed in sports and then carried over to the student-athletes' lives after college. For example, women's college sports do not receive as much attention or generate as much revenue as men's sports, which reflects the "second class" treatment of women in the workplace. Similarly, black student-athletes are being exploited for their talents and unique abilities just like in a capitalist society where blacks are paid less than whites for the same amount of or, in some cases, more work.

The appeal of intercollegiate sports throughout the world also demonstrates how sports are a microcosm of society. A profound society is one that is recognized as efficient and responsible to other societies in the world. While sports are not directly related to a Nation's success, success in sports enhances a country's status in the community of nations—success in sports is viewed as proof of a Nation's superior social, economic, and political systems (Frey 512). The intense media coverage of intercollegiate athletics places pressure on student-athletes to perform at the highest levels in their sport—only the best of the best gets the spotlight. This often "blinds" athletes from the corruption and exploitation around them, as they are focused on producing better results than the next athlete. Conflict theorists criticize the use of sport to unite people from different backgrounds as an attempt to control certain groups of people by instilling dominant values and, thereby, reducing the likelihood of them challenging existing social norms, institutions, and power structures. In the case of intercollegiate athletics, the NCAA and its member institutions are promoting a false narrative that college athletics are focused on "educating" student-athletes when, in reality, they are a profit-driven system of exploitation.

C. College Sports as Entertainment

A major reason the focus of college sports has shifted from academics to entertainment and profit is the vast amount of media coverage for sports. The media has played a significant role in the commodification of student-athletes due to money paid to the NCAA and other sports organizations for broadcasting rights. For example, in 1980, live sports broadcasting on the three major television networks comprised only 787 hours; in 1989, live sports programming on the three major networks, ESPN, SCA, and TBS comprised 7341 hours (Frey 509). Although college sports have always generated a large amount of interest from the public, increased media coverage led to an even broader expansion of this interest and, as a result, even greater commercialization of intercollegiate athletics. The media allows for the production of more marketable entertainment for spectators and leads to lucrative gains for the NCAA by embracing the change from aesthetic orientation to heroic orientation. “Thus, the media sometimes glorify violence, create heros [*sic*] and heroines, demand that athletic schedules be shifted, and that rule changes be made to enhance the product, increase the audience, and generate greater revenues from advertisers” (510). Also, the media can dictate what it wants its viewers to see and how it wants things to be seen, preventing spectators from acquiring their own personal perspectives about what they are watching. This makes viewers less likely to question what is going on behind the scenes because they enjoy what is being displayed on their televisions—they do not want anything to be wrong. Most of the adjustments to how sports are regulated and played involve changes that make sports more appealing to the audience rather than the athletes that are participating in them. Changes like implementing a three-point line in basketball so teams can score more points, or narrowing the hash marks in football so that teams will display more physical play, are examples of adjustments that appeal more to the crowd than to the players.

“Coakley has described this as a change from an *aesthetic orientation* that emphasizes the beauty and pleasure of movement, skill and ability, and lifelong activity to a *heroic orientation* that emphasizes danger and excitement, style, and a short-term commitment to victory” (508).

VI. Intercollegiate Athletics Must Be Reformed

A. Past Reform Efforts

Over the years, as intercollegiate athletics have become more and more commercialized, interest from the public and revenue have outpaced the implementation of rules to prevent the exploitation of student-athletes, particularly black student-athletes. College coaches began recruiting athletes at younger ages to persuade them to attend their schools and increase their chances of winning and, essentially, “getting paid.” College coaches began to emphasize sports over academics and, in many cases, engaged in unethical behavior to recruit the most talented and skilled athletes. A report issued by the Carnegie Foundation for the Advancement of Education in 1929 stated,

A change of values is needed in a field that is sodden with the commercial and the material and the vested interests that these forces have created. Commercialism in college athletics must be diminished and college sport must rise to a point where it is esteemed primarily and sincerely for the opportunities it affords to mature youth (Smith, *A Brief History*, 13).

Despite the Carnegie Foundation’s efforts to help the NCAA regain its integrity in the college sports culture, intense recruiting tactics continued to develop as technology (i.e., radios and television) began to aid the growth of commercialism in college sports. Almost everyone had a radio or television in their house by the mid-1900s, which allowed fans to stay engaged with live games. Also, after World War II, there was greater access to higher education with the soldiers

returning and the government's push for them to go back to college. This intense competition for recruits led many college coaches to take advantage of athletes they wanted to play for them.

In 1983, more efforts to reform college athletics took place—Proposition 48 was proposed and adopted but did not go into effect until 1986. This rule “required incoming Division I student-athletes to have maintained a 2.0 grade point average in 11 core academic subjects in high school and to have a minimum score of 700 on the SAT or 17 on the American College Test (ACT) to be eligible to practice, play, and receive an athletic scholarship” (Sobocinski 279-280). The rule contained a loophole for so-called “partial qualifiers,” however, who were allowed to practice with their teams but could not play in games—that is, students who did not meet the academic standard in Proposition 48 still could accept an athletic scholarship. In 1989, the NCAA passed Proposition 42, which eliminated the loophole for partial qualifiers (Sobocinski).

In 1991, the Knight Foundation Commission on Intercollegiate Athletics (Commission) issued the first of three proposals for reforming intercollegiate athletics based on the premise that colleges and universities should serve as “model[s] of ethical behavior for students and for society at large” by reversing the culture of commercialization that has evolved in major college sports (Sobocinsky 274). The Knight Commission Report expressed that the actual problem was not athletics, but rather, that colleges and universities had not accepted and implemented sports as part of their educational missions. The Commission proposed a “one-plus-three” model, which consisted of presidential control (the one) directing three core values—academic integrity, financial integrity, and accountability through certification. Recommendations included offering athletic scholarships only to low-income student-athletes, allowing the school's president to fulfill athletic conference obligations instead of athletic directors and coaches, and encouraging

student-athletes to use the full length of eligibility that their scholarships permit. The Knight Commission Report also “recommended that NCAA adopt a process that would require periodic assessments of athletic programs re: academic requirements, expenditures, and commitment to academics” (Sobocinski 278). As the recruitment process became more competitive, the NCAA implemented rules supposedly to help prevent the exploitation of young student-athletes who decided to play college sports.

B. New Proposal for Reform—“Fair Pay to Play” and Academics

1. Ancient Greece

In ancient Greece—where sports were first regulated as competitive activities—there was a unique cultural importance that connected sports to Greek ethical values. The Greeks considered sports to be an integral part of the educational system, believing that it was a way to teach life lessons and build a system of cultural guidance. They used sports to practice their religion and related sports to terms like *positive fatalism*, which means “morality, limits, and opposition are inseparable from the meaning and value of excellence” (Sobocinski 266). However, the emphasis on sports in ancient Greece led those who participated to be motivated by monetary rewards, and the ethical values around which the sports were established began to diminish. Philosophers like Plato and Aristotle began to promote sports not only as an aspect of their religion, but also, as a means of intellectual progression. The purpose of physical training was to achieve a balance between development of the mind and body, and the ideal person could achieve in both areas of development with the goal of having peace and harmony in their lives. The Greeks believed that over-emphasizing sports would lead to an imbalance in the way of life because it causes people to exert themselves for the wrong reasons. Instead of participating in sports to have fun and increase one’s spiritual and mental capacity, people would seek only

monetary gains from a passion they once cherished or observed as art. Sports can build character in areas that money cannot—it teaches discipline, sacrifice, perseverance, creativity, and physical expression (Sobocinski 267). Clearly, a proper education requires all of these elements as well. Therefore, the NCAA could learn from the reformation strategies of Plato and Aristotle and convert the culture of college athletics back to what it was meant to be—a balance between education, fun, and passion-driven competition.

2. “Fair Pay to Play” and Academics

The massive amount of revenue being generated by the NCAA and major Division I football and men’s basketball programs has taken the focus of intercollegiate athletics further away from academics and, in the process, exacerbated the problem of the exploitation of black student-athletes. If the NCAA is going to survive, it must acknowledge the commercialization of college sports and pay fair compensation to its most valuable commodity—black student-athletes—while placing a greater emphasis on academics at the same time. Compensating the players who generate most of the revenue will reward the student-athletes for their hard work, dedication, and sacrifices they make in order to excel in their respective sports, entertain the fans, represent their schools, and reach their goals of playing professionally. The NCAA took a “baby step” in this direction in October 2019, when it voted to allow student-athletes to receive compensation for the use of their names, images, and likenesses (Board of Governors). In addition to compensating its student-athletes, the NCAA must develop policies that provide incentives for its member institutions to support the academic success of its student-athletes and penalize those schools that do not. That way, student-athletes who do not succeed in professional sports—and even those who do—will have a strong academic foundation and be more likely to graduate. Like the Greeks, the NCAA should promote intercollegiate athletics as

part of a well-rounded education, not as an end in and of itself. Presumably, increasing the number of black student-athletes who earn college degrees will increase the number of black student-athletes who attain high-paying jobs after college and, thereby, reduce the exploitation of black student-athletes.

Figuring out how much to compensate student-athletes may be a difficult task at first, but it can be accomplished. For example, on October 1, 2019, the State of California passed a law that allows college student-athletes to receive payments for the use their names and likenesses and also to be represented by sports agents and lawyers as long as they are licensed in the State (CA SB-206). The NCAA has opposed this law and has permitted student-athletes in California to make money off their names and likenesses only from independent endeavors (i.e., endeavors not sponsored by the school). Thus, under the NCAA's policy, a student-athlete can receive payments from endorsements and advertisements from independent companies but cannot receive payments from school-sponsored advertisements or school stores that use their names and likenesses. According to the NCAA, the California law "would remove that essential element of fairness and equal treatment that forms the bedrock of college sports" (*NCAA responds*). By fairness, the NCAA appears to be referring to potential unfair recruiting advantages for California schools over schools located in other states. However, major Division I programs already have "unfair" recruiting advantages that stem from the commercialization of college sports. California—and now, the NCAA—has taken a step in the right direction—a step that may lead to further reforms to reduce the level of exploitation of black student-athletes.

Finally, in order to make real progress in reducing the exploitation of black student-athletes, the NCAA must reestablish academics as the main focus of intercollegiate athletics, regardless of the amount of revenue an institution is generating through its athletic program. As

discussed above, most individuals hear the term “scholarship student-athlete” and automatically focus on the “athlete”—in other words, if someone has received an athletic scholarship, he is viewed as having little or no value as a “student.” This is because NCAA Division I colleges and universities and their coaches place a greater emphasis on athletics than on academics. One concrete step the NCAA could take to address this issue is to revise the terms of the NLI. Currently, athletic scholarships are year-to-year renewable “contracts of adhesion,” which places intense pressure on student-athletes to perform in their sport and, as a result, causes them to value their athletic progressions more than their educational attainment. As Hawkins states,

As long as coaches and athletics directors use factors related to athletics to determine whether financial aid will be renewed, athletes are under considerable pressure to make sports their main priority during enrollment. This highlights the inherent hypocrisy in the term ‘athletic scholarship,’ a term that should relate to educational opportunities (Hawkins 172).

If a student-athlete did not feel so much pressure revolving around his athletic performance, or if there were incentives for him to perform better academically (e.g., a GPA requirement to retain scholarships or bonuses for coaches whose players graduate), not only would he apply himself more in the classroom, but his coaches also would encourage him to do so. At the very least, NLIs should be awarded to student-athletes for four to five years of higher education. In addition, these NLIs should permit student-athletes to return to school to complete their undergraduate degrees, still on scholarship, if they choose to do so. “To ensure that education remains the priority . . . universities should be committed to athletes as students whose value to the university exceeds their role in athletics” (Hawkins 172).

VII. Conclusion

The treatment of black student-athletes in intercollegiate sports today is similar to the treatment of black slaves during the colonial era in American history. In college sports, there is

an effort to divide the body and mind of black student-athletes—there are stereotypical racial hierarchies of physical and intellectual superiority, with blacks at the top of the physical hierarchy and whites leading the intellectual hierarchy. This leads to black student-athletes being exploited for their athletic talents and not being provided the encouragement, tools, and supports that are necessary for them to succeed academically. At best, it is hypocritical—and, at worst, racist—for the NCAA to use student-athletes to generate billions of dollars in revenue, distribute large proportions of the revenue to everyone but the student-athletes who generate it, and then claim “amateurism” as the reason for its refusal to pay fair compensation to student-athletes. Providing fair compensation to student-athletes and emphasizing the “student” in “student-athlete” would be a major step towards reducing the exploitation of black student-athletes. Student-athletes deserve “fair pay to play” intercollegiate athletics.

Bibliography

- “2019-20 NCAA Division I Manual (2019),” *NCAA.org*, NCAA, 1 August 2019, <https://web3.ncaa.org/lstdbi/reports/getReport/90008>.
- Abdul-Jabbar, Kareem. “It's Time to Pay the Tab for America's College Athletes | Kareem Abdul-Jabbar.” *The Guardian*, Guardian News and Media, 9 Jan. 2018, www.theguardian.com/sport/2018/jan/09/its-time-to-pay-the-tab-for-americas-college-athletes.
- Abdul-Jabbar, Kareem. “Kareem Abdul-Jabbar: College Athletes Should Be Allowed to Unionize.” *Time*, Time, 25 July 2014, time.com/3030399/kareem-abdul-jabbar-college-sports-players-unionize/.
- “Administrative Guidelines and Interpretations for the 2020-21 National Letter of Intent (Signed During the 2019-20 Signing Periods),” *Nationalletter.org*, National Letter of Intent, Revised 9/2019, www.nationalletter.org/documentLibrary/administrativeGuidelines.pdf.
- Ajilore, Olugbenga. “The National Economic Association at 50: Getting Back to Our Roots.” *The Review of Black Political Economy*, vol. 46, no. 2, June 2019, pp. 152–159, doi:10.1177/0034644619850184.
- “Benefits to College Student-Athletes.” *NCAA.org*, NCAA, 3 Jan. 2014, www.ncaa.org/student-athletes/benefits-college-student-athletes.
- Berkowitz, Steve. “Colleges Are Spending More on Their Athletes Because They Can.” *USA Today*, Gannett Satellite Information Network, 6 July 2017, www.usatoday.com/story/sports/college/2017/07/06/colleges-spending-more-their-athletes-because-they-can/449433001/.
- “Board of Governors starts process to enhance name, image and likeness opportunities,” *NCAA.org*, NCAA, 29 October 2019, www.ncaa.org/about/resources/media-center/news/board-governors-starts-process-enhance-name-image-and-likeness-opportunities.
- Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
- Chelladurai, Packianathan, and Michael Milano. “Gross Domestic Sport Product: The Size of the Sport Industry in the United States.” *Journal of Sport Management*, 25(1): 24-35, January 2011, www.researchgate.net/publication/282763241_Gross_Domestic_Sport_Product_The_Size_of_the_Sport_Industry_in_the_United_States.

- Dosh, Kristi. "The Biggest Misconceptions About The Finances Of College Sports." *Forbes*, Forbes Magazine, 12 June 2017, www.forbes.com/sites/kristidosh/2017/06/12/the-biggest-misconceptions-about-the-finances-of-college-sports/#1d77f7cd366f.
- Druckman, James N., Howart, Adam J., and Rodheim, Andrew. "The Influence of Race on Attitudes about College Athletics." *Sport in Society*, 19:7, 1020-1039, DOI: 10.1080/17430437.2015.1096250. 2016.
- Frey, James H., and D. Stanley Eitzen. "Sport and society." *Annual review of sociology* 17.1 (1991): 503-522.
- Gaines, Cork, and Mike Nudelman. "The Average College Football Team Makes More Money than the next 35 College Sports Combined." Business Insider. October 05, 2017. <https://www.businessinsider.com/college-sports-football-revenue-2017-10>.
- Greenberg, Martin. "College Athletics chasing the big bucks." *law.marquette.edu*, Marquette University and Martin Greenberg, 2008, <https://law.marquette.edu/assets/sports-law/pdf/for-the-record/greenberg-v19no2.pdf>.
- Hanlon, Sean M. "Athletic scholarships as unconscionable contracts of adhesion: Has the NCAA fouled out." *Sports Law. J.* 13 (2006): 41.
- Harper, Shaun. "Black Male Student-Athletes and Racial Inequities in NCAA Division I College Sports," *usc.edu*, University of Southern California Race and Equity Center, 2018 edition, https://race.usc.edu/wp-content/uploads/2018/03/2018_Sports_Report.pdf.
- Hatch, Alex. "Athletics Do Affect Students Education." *EWU*, Eastern Washington University, sites.ewu.edu/engl201-27/downfall-of-education-due-to-athletics-by-alex-hatch/.
- Hawkins, Billy Joe. *The New Plantation: Black Athletes, College Sports, and Predominantly White NCAA Institutions*. Palgrave Macmillan, 2013.
- Hobson, Will, and Steven Rich. "College Athletic Departments Are Taking in More Money than Ever – and Spending It Just as Fast." *The Washington Post*, WP Company, 23 Nov. 2015, www.washingtonpost.com/sf/sports/wp/2015/11/23/running-up-the-bills/?utm_term=.3e99f248971a.
- Hruby, Patrick. "The NCAA Says Paying Athletes Hurts Their Education. That's Laughable." *The Washington Post*, WP Company, 20 Sept. 2018, www.washingtonpost.com/outlook/the-ncaa-says-paying-athletes-hurts-their-education-thats-laughable/2018/09/20/147f26c0-bb80-11e8-a8aa-860695e7f3fc_story.html?utm_term=.7a577f1cb6c4.

- Inman, William H. "Football Cracked Louisiana's Jim Crow Laws." *UPI*, United Press International, Inc, 24 Jan. 1990, www.upi.com/Archives/1990/01/24/Football-cracked-Louisianas-Jim-Crow-laws/9922633157200/.
- Leef, George. "Who Benefits from College Sports Programs - and Who Pays?" *National Review*, National Review, 27 June 2018, www.nationalreview.com/corner/college-sports-who-benefits/.
- Meyer, Jayma, and Andrew Zimbalist. "Reforming College Sports: The Case for a Limited and Conditional Antitrust Exemption." *Antitrust Bulletin* 62, no. 1 (March 2017): 31–61. doi:<http://journals.sagepub.com/loi/abx>.
- Moriarty, Morgan. "At \$11M, Saban Might Be America's Highest-Paid Sports Coach in 2017." *SBNation.com*, Vox Media, 2 May 2017, www.sbnation.com/college-football/2017/5/2/15515544/nick-saban-11-million-salary-highest-paid-sports-coach-2017.
- "National Collegiate Athletic Association and Subsidiaries Consolidated Financial Statements as of and for the Years Ended August 31, 2018 and 2017, Supplementary Information for the Year Ended August 31, 2018, and Independent Auditor's Report," *NCAA.org*, NCAA, 11 December 2018, https://ncaaorg.s3.amazonaws.com/ncaa/finance/2017-18NCAAFin_NCAAFinancialStatement.pdf.
- "NCAA Demographics Database," *NCAA.org*, NCAA, 2018, www.ncaa.org/about/resources/research/ncaa-demographics-database.
- "NCAA Division I," *NCAA.org*, NCAA, 6 December 2019, <https://www.ncaa.org/about?division=d1>.
- "NCAA responds to California Senate Bill 206," *NCAA.org*, NCAA, 11 September 2019, www.ncaa.org/about/resources/media-center/news/ncaa-responds-california-senate-bill-206.
- Owens, Samuel L. "A public interest perspective on college sports amateurism: Reframing the exploitation of NCAA College Athletes." *law.marquette.edu*. Sports Law Institute, Marquette University Law School, For the record, 21.8, January 2010, <https://law.marquette.edu/assets/sports-law/pdf/for-the-record/v21i1.pdf>.
- Plessy v. Ferguson*, 163 U.S. 537 (1896).
- Reese, Renford. "The Socio-Political Context of the Integration of Sport in America." *Journal of African American Men* 3, no. 4 (1998): 5-22. <http://www.jstor.org/stable/41819345>.
- Roberts, Diane. "College Football's Big Problem With Race." *Time*. November 12, 2015. <http://time.com/4110443/college-football-race-problem/>.

- Sanderson, Allen R., and John J. Siegfried. "The case for paying college athletes." *Journal of Economic Perspectives* 29.1 (2015): 115-38.
- Senne, Joshua. "A review of the NCAA's business model, amateurism, and paying the players." *TheSportJournal.org*. The Sport Journal, Vol. 21, 2016, <http://thesportjournal.org/article/a-review-of-the-ncaas-business-model-amateurism-and-paying-the-players/>.
- Smith, Rodney K. "A brief history of the National College Athletic Association's role in regulating intercollegiate athletics." *Marq. Sports L. Rev.* 11 (2000): 9.
- Smith, Rodney K. "The National Collegiate Athletic Association's Death Penalty: How Educators Punish Themselves and Others." *Indiana Law Journal* 62 (1987) 4.2.
- Sobocinski, Eric J. "College athletes: What is fair compensation." *Marq. Sports LJ* 7 (1996): 257.
- Sow, Abdoulaye. "Should College Athletes Receive Compensation?." (2019).
- Suggs, David. "Myth: College Sports Are a Cash Cow." *Acenet*, American Council on Education, 2019, www.acenet.edu/news-room/Pages/Myth-College-Sports-Are-a-Cash-Cow2.aspx.
- Thelin, John R. 2000. "Good Sports? Historical Perspective on the Political Economy of Intercollegiate Athletics in the Era of Title IX, 1972-1997." *Journal of Higher Education* 71 (4): 391-410.
<http://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ611501&site=ehost-live>.
- Thompson, Craig, and Tom Burnett. "College Athletes Are Students, Not Employees." *The Denver Post*, The Denver Post, 8 Sept. 2017, www.denverpost.com/2017/09/08/college-athletes-are-students-not-employees/
- Rheenen, Derek Van. 2013. "Exploitation in College Sports: Race, Revenue, and Educational Reward." *International Review for the Sociology of Sport* 48 (5): 550-71.
doi:10.1177/1012690212450218.
- Waldron, Travis. "The NCAA Is Losing Its Fight To Keep Exploiting College Athletes." *HuffPost*, HuffPost, 9 Apr. 2019, www.huffpost.com/entry/ncaa-pay-college-athletes-final-four_n_5ca61cb9e4b082d775e1d201.
- Wallsten, K., Nteta, T.M., and McCarthy, L.A., Tarsi, M.R. (2017). Prejudice or principled conservatism? Racial resentment and white opinion toward paying college athletes. *Political Research*. 70 (1). 209-222.