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### **NCAA Division-I Athletic Departments: 21<sup>st</sup> Century Athletic Company Towns**

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*Utilizing a company-town metaphor, this paper analyzes the working and living conditions of National Collegiate Athletic Association (NCAA) Division I men's basketball and Football Bowl Subdivision (FBS) football players within athletic departments at Predominately White Institutions (PWIs). After summarizing previous "neo-plantation slavery" and "sex-worker" analogies, this paper analyzes – utilizing Contemporary Theory of Metaphor (CTM) – the complex relationship between these athletes and PWI athletic departments. Drawing upon historic and contemporary legal, sociological and economic sources, we compare these athletes' existence to that of oscillating migrant laborers in 19th and 20th Century US company towns. Specific elements of big-time college sport analyzed include: (a) the degree to which profit athletes' daily burdens and obligations exceed those of other university employees, (b) the geographic migration patterns of profit-athletes, (c) a paternalism that suffuses the Collegiate Model of Athletics, promoting intensive surveillance of players' conduct, both in the work context itself and during their 'free time', (d) in-kind compensation (grant-in-aid) that is akin to scrip, (e) limited athlete representation in college-sport governance, (f) college-sport participation health risks, and (g) moral and character-based justifications for the Collegiate Model. Consistent with CTM, we contend this heretofore-unutilized comparison uniquely disorganizes the common-sense view of big-time college sport, producing an effectively reorganized metaphor that challenges NCAA hegemony and provides a context for improved communication and social action within the institutional field of US college sport.*

The recent ruling declaring that Northwestern University football players are employees under the National Labor Relations Act has, in a fundamental way, redefined the relationship between college athletes and the universities for which they play (Northwestern University, 2014). Our analysis, focusing on the similarities between collegiate athletes and company town employees, is highly relevant in this context. We recognize athletes are “free labor,” in the Weberian sense that it is entirely up to them (and their parents) to choose whether to work for a particular firm. They are not, in other words and contrary to other proposed metaphors, indentured servants or slaves. But their circumstances of employment are constrained in ways that would shock most contemporary American workers. The reality of those circumstances has been obscured by a successful decades-long strategy by the National Collegiate Athletic Association (NCAA) and member universities to re-classify and re-brand the employer-employee relationship as a student-athlete – university one (Byers & Hammer, 1995; Sack & Staurowsky, 1998; Southall & Staurowsky, 2013). Utilizing language in a manner consistent with institutional propaganda techniques has been central to that endeavor (Southall & Staurowsky, 2013). Consequently, this paper utilizes the company-town metaphor, in order to deconstruct the NCAA’s institutional propaganda and more precisely interrogate the circumstances in which NCAA *profit-athletes*<sup>1</sup> work.

Throughout his term as NCAA president (January 2003 – September 2009), Dr. Myles Brand (a former university president at University of Oregon and Indiana University) grappled with how to reconcile big-time college sport’s rampant commercialism with the historic notion of amateurism “...as a concept that defines the entire enterprise of intercollegiate athletics” (NCAA, 2010a, para. 3). Brand and the NCAA national office staff were well aware, “As the scale of both revenue generation and spending has grown over the past few decades, there is a general sense that ‘big-time’ athletics is in conflict with the principle of amateurism” (NCAA, 2010a, para. 3). To both the NCAA staff and Brand it was clear this apparent conflict must be addressed: “Critical for the future of intercollegiate athletics will likely be a better understood definition of amateurism that isolates the principle to the way in which student-athletes are viewed without imposing its avocational nature on revenue-producing opportunities” (NCAA, 2010a, para. 3). Fundamentally, Brand “...wanted to change the way people talked about intercollegiate athletics” (NCAA, 2010a, para. 1).

Throughout his tenure as NCAA president, Brand proclaimed intercollegiate athletics was “...integral to many of our universities and colleges, institutions [*sic*] which are the guardians of our traditions and histories and the harbingers of our futures” (para. 13). However, he also recognized NCAA Division-I athletic departments exploit similar revenue opportunities as US professional sport leagues (e.g., National Basketball Association [NBA], Major League Baseball [MLB], and the National Football League [NFL]). Cognizant of the potential dangers of such revenue exploitation, Brand described college sport’s drift toward *The Professional Model* as a looming disaster: “The threat is real, and the consequences devastating. I want to go on record in calling attention to this potential disaster” (Brand, 2004, p. 7). Brand metaphorically urged NCAA members to cleave to his Collegiate Model of Athletics, fighting the urge to be “...drawn to the professional model like a moth drawn to a flame” (Brand, 2004, p. 7).

Consistently, Brand and NCAA national office staff defended “the presence of commercial activity within the context of intercollegiate athletics” (Renfro, 2012, p. 33). In this scenario, the collegiate model was described as being, “...as old as the games themselves and it is growing” (Renfro, 2012, p. 33). Brand unilaterally declared commercialism allows colleges and universities to provide “...participation in college sports, [which] enhances the educational experience of student-athletes and...is the only rational reason for the continued support of intercollegiate athletics in higher education” (Renfro, 2012, p. 33).

However, he did not advocate the abandonment of professional-sport business practices, instead contending the axiomatic clear-line-of-demarcation between big-time college and professional sport is not whether college sport is overtly commercialized, but that college athletes must be amateur students “...whose first order of business is acquiring an education” (Brand, 2006, p. 3). Fundamentally, Brand

hoped that if he could convince the general public of the efficacy of his collegiate model, a *term of art* he created in 2003 (Brand, 2003, NCAA, 2010a, 2010b), it would accept as “common sense” an economic model that is highly unusual and, indeed, idiosyncratic, in order to normalize the peculiar nature of the employer-employee relationship in big time college athletics. (National Collegiate Athletic Association [NCAA], 2010a, para. 3)<sup>2</sup>.

## Research Setting: Big-time College Sport

Over the past sixty years, college sport has been reshaped in a manner akin to manufacturing during the Industrial Revolution of the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. The precipitating factor in college sport’s revolution was the explosion of television in the late 1940s, when – seemingly overnight – over 100 television stations, in 63 cities, came on the scene (Dunnivant, 2004). In addition, in only three years (1947-1950) “...the number of sets soared from 7,000 to 9.2 million” (Dunnivant, 2004, p. 4). During this time-period, local television stations utilized college football as a means to provide attractive programming to burgeoning audiences (Dunnivant, 2004). As a result, television exponentially multiplied the number of people who cared deeply about college football. The medium transformed college football into a regional and national industry. Pre-television, it was as if each college was a family cottage with a small loom, used to make traditional clothing exclusively for family members. Television has ushered in an era in which the NCAA Collegiate Model of Athletics has metaphorically morphed into a mechanized textile industry, in which large football factories – employing low-paid, non-unionized, but ostensibly amateur profit-athletes – produce NCAA licensed merchandise for a global market.

As the professed need for revenue maximization has increased, “protecting the collegiate model [has become] the primary focus of the office of the NCAA president and the NCAA national office” (NCAA, 2010b, para. 1)<sup>3</sup>. As a result NCAA national office staff members consistently stress that without “...some level of commercial activity – from nominal levels of local sponsorship to huge media and corporate contracts, ...intercollegiate athletics as we know it could not exist” (Brand, 2009, p. 4). Brand (2006) pre-emptively dismissed any notion that maximizing revenue generation opportunities is incompatible with college sport as “...nonsense! [and] a misinterpretation and a misapplication of amateurism, [since] ‘Amateur’ defines the participants, not the enterprise” (Brand, 2006, p. 8). In Brand’s collegiate-model, revenue maximization is a moral duty. He contended that since “...revenue sports – most often only football and men’s basketball – generate resources that are needed to conduct all the other sports in the program...[an athletic department] has an obligation to conduct its revenue-generating activities in a productive and sound business-like manner” (Brand, 2006, p. 7).

However, as a result of the NCAA’s *Condition of Nonexploitation*, college athletes must be prevented from participating in the business of college sport: “Since student-athletes are amateurs, not paid professionals, they cannot accept payment for endorsing or advertising any commercial product or service” (Brand, 2009, p. 6). Brand’s (2006) Collegiate-Model of Athletics is a highly commercialized business venture focused on revenue maximization on the “input” side and a not-for-profit educational undertaking on the “output” side. Accordingly, Brand contended “the business of college sports is not a necessary evil; rather it is a proper part of the overall enterprise” (2006, p. 8).

During the past fifty years, while college-sport revenues have increased exponentially, the NCAA’s metaphoric hegemony has remained largely unchallenged within the US college-sport institutional field (Southall & Staurowsky, 2013). Responding to such unquestioned spontaneous consent, this theoretical article offers a justification for the use of metaphoric analysis, critiques previous metaphors and presents an alternative analogic narrative – the company town – as a lens through which to scrutinize the NCAA’s Division I Collegiate Model of Athletics.

## Contemporary Theory of Metaphor

Since our investigation of the collegiate model is based primarily upon experiential correlation, we do not limit our consideration to Glucksberg's (2001) view of metaphor as a *category-inclusion assertion*, or Wilson and Carston's (2006) perspective in which metaphor is seen as an *ad hoc construction* that merely broadens a concept. While both provide support for our inquiry, they do not account for the cognitive processes that underlie our company-town metaphor.

Consequently, the Contemporary Theory of Metaphor (CTM) first developed by Lakoff and Johnson (1980) and subsequently expanded by Gibbs (1994), Ibáñez & Hernández (2011) and Kövecses, (2005), is an appropriate analytic tool for examining the lived-experiences of NCAA Division-I college athletes, both profit-athletes and *loss-athletes*<sup>4</sup>. By design, this paper's metaphoric analysis focuses on profit-athletes. Such focused examination is supported by CTM's expanded notion of metaphor as not just a literary or artistic device, but also a tool of cognition (Ibáñez & Hernández, 2011). Consequently, this paper presents a metaphor that provides for analogical analysis of the Collegiate Model of Athletics, using familiar concepts to comprehend an unfamiliar perspective on big-time US college sport.

Johnson (1999) also described developing conceptual metaphors as more than a literary exercise. In this analysis, if the *source* (i.e., familiar) and *target* (i.e., unfamiliar) concepts co-exist in our experience, there is a *conflation stage* during which the two domains are co-activated (Johnson, 1999). For example, a primary metaphor involves developing a relationship between two singular physical objects that we can easily visualize or actually have seen (e.g., "Bob is a shark!"). In this situation, seeing and knowing are conflated in our minds because visual input is crucial for the metaphor's efficacy. If we know a person named 'Bob' and have seen a 'shark,' we have two objects we can visualize.

CTM goes beyond such conflation and describes a process in which a complex metaphor involving at least one singular physical object (e.g., "theories are buildings"), or even a more complex simile (i.e., a comparative figure of speech utilizing the word 'like' to compare to explicitly unlike forms) that does not rely upon two singular physical forms (e.g., "an organization is like a physical structure") may be cognitively constructed. While a conceptual metaphor may involve analogy or simile that draws upon developing experiential correlations between singular physical objects, complex metaphorical thought can also be based solely on analogical reasoning.

Through the CTM process a primary metaphor can be enriched with other more specific concepts in order to develop the full range of meaning implications. In the case of "they built a new theory" and "theories are life's building blocks" – both metaphorical expressions involve construction, but the second is more complex, with its more experiential focus on the organizational relationship between theories, building blocks, and life experiences. Other elements may be brought to bear as needed to expand possible experiential correlations. An expanded metaphor: "These two observations are the brick and mortar of his theory" extends the specificity of the building materials and gives physical structure and consistency to the type of building to which the metaphor alludes. Such metaphoric analysis is effective even though building blocks do not perceptually resemble an abstract concept: a theory. In addition, theories are not buildings; they do not have windows, walls, tenants, etc. Even though one of the elements (i.e., theory) is not a singular physical object, we can construct not only a primary metaphor, but also a more complex extended metaphor.

Fundamentally, Geary (2011) contends a metaphor "...systematically disorganizes the common sense of things—jumbling together the abstract with the concrete, the physical with the psychological, the like with the unlike—and reorganizes it into uncommon combinations" (p. 2). As a result conceptual-mapping metaphors are integral "...in all fields of human endeavor, from economics and advertising, to politics and business, to science and psychology" (Geary, 2011, p. 3) to making sense of complex and often confusing experiences. Within organizational settings metaphors provide a fresh look at things from new points of view and improve institutional communication and action. Simultaneously, metaphors may uphold hegemonic structures, while also empowering social action.

## Previous Metaphoric Analyses

As summarized by Southall, Hawkins and Polite (2012), a variety of metaphors have been utilized to describe college profit-athletes' existence. In general, these metaphors highlight a range of institutional characteristics, but economic exploitation is a common thread. Edwards (Sperber, 1990) likened profit-athletes to modern gladiators, emphasizing their function in entertaining the masses with displays of physical superiority, while fans question their bona fides as college students. Other observers, including Byers and Hammer (1985), Hawkins (1999, 2010), Eitzen (2000), and Branch (2011) contend big-time college sport reflects a *neo-colonial* mentality. Extending this metaphor, athletic departments within Predominately White Institutions (PWIs)<sup>5</sup> are viewed as neo-colonial plantations on which profit-athlete slaves are subjugated and controlled through physical and psychological coercion (Branch, 2011; Hawkins, 2010).

### *Neo-Colonial Plantations*

In developing this metaphor, statistics from NCAA participation reports have been referenced. One recent report: the *2009-10 Student-Athlete Race and Ethnicity Report* noted African Americans comprise the highest percentage of players in NCAA FBS football (NCAA, 2010c). The study also reported the highest concentration of Black male athletes in Division-I sports was in basketball at 60.9 per cent. By contrast, during the same period Black males accounted for just 2.8 per cent of full-time, degree-seeking undergraduate college students (Harper, Williams, & Blackburn, 2013). Noting disproportionately high number of Black males in profit sports, such metaphors analogize profit-athletes' to conscripted or bonded laborers, denied access to cash-based remuneration – a violation of the basic notions of free labor in a market economy (Branch, 2011; Hawkins, 2010).

While a neocolonial plantation metaphor provides a historical context for current profit-athletes' circumstances, it also challenges the racial identities of those White university faculty, administrators, coaches, and college-sport fans who have constructed a *post-racial* world in which race and racism are invisible and *Whiteness* is normalized (Rodriguez & Villaverde, 2000). Accordingly, *White privilege* (Rodriguez & Villaverde, 2000) is *a priori* repudiated. In a post-racial world the possibility of critically examining such privilege and the existence of exploited racial minorities on college campuses is denied. In addition, since the familiar source concept (e.g., White privilege or Whiteness) essentially repudiates the unfamiliar target concepts (e.g., profit athletes or oscillating migrant laborers), there can be no metaphoric conflation during which the concepts are co-activated. Consequently, it is not surprising such metaphors jar and offend the sensibilities of many Whites in positions of power and authority within college sport and at PWIs.

In addition to evoking angst among many Whites who necessarily refuse to see themselves or college sport as “racist,” any metaphor in which profit-athletes are viewed as akin to slaves is susceptible to the criticism that profit-athletes freely seek out college sport opportunities. In addition, highly recruited profit-athletes receive perquisites unavailable to regular students. They receive the finest coaching, training facilities, and academic support. They travel on private charter jets and play in front of adoring crowds of rabid fans. In this analysis, participation in college sport is a privilege – the winning lottery ticket. Instead of viewing profit-athletes as slaves, some view them as entitled parasites who have “...sucked a whole lot off the college athletics pipe -- and now want to buckle the system at the knees” (Plonsky in Solomon, 2012, para. 21).

### *Athletic-Department Brothels*

Extending the neo-colonial plantation metaphor, Southall, Hawkins, Polite and Sack (2011) compared intercollegiate athletic departments to brothels, in which oscillating migrant profit-athletes exchange their bodies for Grant-in-Aid (GIA) compensation. This metaphor is predicated on Nussbaum's

(1999) observation that except for the wealthy and unemployed, everyone – including sex workers – utilizes parts of their body in exchange for a wage. Nussbaum (1999) contended some workers receive good wages and some do not; some have a relatively high degree of control over their working conditions and some have little control. In addition, some workers have many employment options, while some have very few. And finally, some occupations are socially stigmatized and some are praised.

In this metaphor, college sport's controlled compensation structure, as well as profit-athletes' lack of personal agency, is comparative to a work environment of migratory sex workers. Southall et al. (2011) and Southall et al. (2012) contend an examination of big-time football and men's basketball media guides confirms profit-athletes' existence is comparable to that of Cicourel's (1982) oscillating migrant laborers, organized around two, often distinct, cultures: a home-site, which includes family and friends of similar social and cultural origins; and a work-site that involves distinct and unfamiliar social and cultural expressions. Oscillating migrant workers – including sex workers – commute to the work site for the primary purpose of exchanging their physical labor for wages. While migrant workers are free in ways not afforded slaves, their freedom is constrained by limited economic opportunities.

In the sex trade, controlling the means of production and distribution, dominating the labor class or human capital, and denying the sex workers' agency are all forms of pimping or *pimpin'*. Such control existed in big-time college sport long before Nick Saban's (University of Alabama's head football coach) comments asserted that sport agents who make "improper contact" with FBS football players are "no better than pimps" (Zenor, 2010). Southall et al. (2011) analogized that *pimpin'* or control – contrary to Saban's contention – is prevalent among coaches earning multimillion-dollar salaries within a college-sport "free-market" institutional field in which conferences realign for economic incentives, bowl games generate millions of dollars, and the NCAA taps into March Madness to generate hundreds of millions of dollars annually. Meanwhile, multi-million dollar coaches protect their profit-athletes from exploitation by denying them access to this market (Makuhari Media Production, 2013).

While some glamorize profit-athletes and sex-workers' existences, in both settings coaches/pimps maintain control through emotional, psychological and physical coercion (Southall et al., 2011; Southall, Hawkins et al., 2012). An example of such glamor construction in college sport is the University of Oregon's new Hatfield-Dowlin Complex, in which "An evolving art installation representing Ducks who have 'flown' to the NFL can be found on the sixth floor. Every Oregon football player who has been drafted into the NFL (121 as of this year) is represented into this sculpture, located in a quiet foyer adjacent to a family lounge" (Uthman, 2013, para. 17).

As Solomona, Portelli, Daniel, and Campbell (2005) predicted, the neo-colonial plantation and sex-worker metaphors have been labeled unnecessarily provocative and sensational. Such criticism has been confined almost to privileged collegiate model supporters who resist such metaphors "...for fear of being [labeled] discriminatory thereby violating educational and humanitarian principles of equity" (Solomona et al., 2005, p. 150) to which they ascribe allegiance. While both metaphors may be provocative, they are – in many ways - consistent with our developed company town metaphor. Consequently we will draw from both metaphors as we construct a complex company town metaphor to challenge the "common-sense" view of big-time college sport. The resulting metaphor allows for a fuller understanding of the complex institution of big-time college sport and is useful for making sense of an early 21<sup>st</sup> century college-sport landscape in which current college athletes are suing the NCAA over the use (or misuse) of their names, images and likenesses (See: *O'Bannon v. NCAA* [2009].) and University of Northwestern football players are petitioning the National Labor Relations Board (NLRB) for the right to form a union (Johnson, 2014).

## Big-time College Athletic Departments as Company Towns

The previously described metaphors share a common theme with this paper's proposed metaphor: the individuals (i.e., neocolonial slaves, sex workers, profit-athletes) most directly responsible for generating revenue are economically exploited (Hawkins, 2010; Singer, 2008; Smith, 2007; Southall,



Hawkins, et al., 2012). While both previous metaphors may be justified and effective, as we have noted they may also evoke historic sensitivities that distract from a focus on the economic exploitation of profit-athletes. We propose this paper's cognitive metaphor provides a *non-neo-plantation* comparison from which we may analogically examine how 21<sup>st</sup> Century profit-athletes' existence reflects a long tradition of economic disparity in American company towns.

In practice, big-time college-sport programs – similar to company towns – fall somewhere on a spectrum between two extremes: *educational utopia* and *exploitative sweatshop* (Green, 2010). While neither pole perfectly encapsulates the experience of athletes in revenue-generating college sports, the conceptual metaphor of 21<sup>st</sup> Century NCAA profit-athletes as company-town laborers is based upon several structural similarities between NCAA athletic departments and 19<sup>th</sup> and 20<sup>th</sup> Century company-towns. Before we enumerate these similarities, we acknowledge (as with all metaphors) this complex metaphor has limits. For example, the material living conditions of 21<sup>st</sup> century college students, including profit-athletes, would be deemed opulent by 18<sup>th</sup> or 19<sup>th</sup> Century company town standards. Nevertheless, we argue for the utility of drawing specific, evocative comparisons between profit-athletes and company-town workers.

In the following sections we examine: (a) the extent to which profit athletes should be viewed as athletic-department employees, (b) profit-athletes' migration patterns, (c) the monitoring and control of athletes' behavior and movement, (d) GIAs as approved non-cash compensation, (e) limited athlete representation in college-sport governance; (f) associated college-sport health risks, and (g) the use of moral and character-based justifications in support of the collegiate model.

### *Profit-Athletes as Employees*

A fundamental conflation component within a company town metaphor is viewing profit-athletes as analogous to laborers or employees. For collegiate model supporters, the NCAA's Condition of Nonexploitation axiomatically prohibits such a view, since:

...student-athletes are amateurs, not paid professionals, they cannot accept payment for endorsing or advertising any commercial product or service...commercial exploitation of student-athletes is not permissible. Period. This is the clearest and most important line of demarcation between college and professional sports (Brand, 2009, p. 6).

Without question, the collegiate model of athletics views college athletes as students engaged in intercollegiate athletics as an "avocation." This clear line of demarcation is the collegiate model's Maginot Line.

Insuring the public and the courts NEVER view *student-athletes* as employees has a long history within the NCAA (Byers, 1995). As McCormick and McCormick (2006) detail: "In 1953, in *University of Denver v. Nemeth*, the Colorado Supreme Court upheld a determination by the state Industrial Commission that Ernest Nemeth, a football player at the University of Denver, was an "employee" within the meaning of the Colorado workers' compensation statute" (p. 83). Walter Byers (former NCAA Executive Director) presciently understood the implications of this decision. He and other NCAA national office staff "...dreaded [the] notion that NCAA athletes could be identified as *employees* [emphasis in original] by state industrial commissions and the courts" (Byers, 1995, p. 69). Consequently, Byers directed NCAA attorneys to investigate how best to respond to this imminent threat. In response, Byers proclaims, "We crafted the term student-athlete [emphasis in original], and soon it was embedded in all NCAA rules and interpretations as a mandated substitute for such words as players and athletes" (Byers, 1995, p. 69). Byers noted, "I suppose none of us wanted to accept what was really happening" (Byers, 1995, p. 69). Fundamentally, the term was created to blunt what Byers referred to as a compelling argument that "...young men on grants-in-aid playing college sports should be classified as workers" (Byers, 1995, p. 69). However, what Byers recognized as a persuasive position in 1956 is, for many

economists, historians and lawyers (i.e., non-fans) today, a legal and economic reality (Branch, 2011; Clotfelter, 2011; Fleisher, Goff, & Tollison, 1992; Grant, Leadley, & Zygmunt, 2008; McCormick & McCormick, 2006; Rascher, 2013, Sack & Staurowsky, 1998; Southall & Staurowsky, 2013; Zimbalist, 1999).

The creation and dissemination of the student-athlete term is a classic example of institutional propaganda – a linguistic “armour of coercion” (Adamson, 1980; Southall & Staurowsky, 2013). Over the past fifty years, the term has become self-reproducing, permanently reshaping our view of college sport (Black, 2001; Ellul, 1965). In addition to its long-term character, this NCAA propaganda is often unconsciously produced and integrated within media and popular press accounts of college sport, promulgating the common sense view that all college athletes are amateurs, not employees.

Regardless of NCAA hegemony, there are ample useful guidelines for assessing whether profit-athletes can be viewed as employees. McCormick and McCormick (2006) utilized the National Labor Relations Act (NLRA) as a template for determining the circumstances under which a profit-athlete should be characterized as an employee. They outline two requirements that must be met under the NLRA – a common law test and a statutory test (McCormick & McCormick, 2006). The National Labor Relations Board (NLRB) and judiciary have been primarily guided by some common law principles in determining the meaning of the term “employee.”

The most important factor in a person being an employee is the “right of control” test, which deals with the degree of control an employer maintains over the working life of an employee. “This right of control test examines the degree to which the employer controls the daily lives of its putative employees, including the manner in which they carry out their work” (McCormick & McCormick, 2006, p. 91). Under this common law test an employee performs services (e.g., plays football) for another (e.g., university) under a contract of hire (e.g., GIA, Student-Athlete Statement), subject to the other’s control or right of control (e.g. coach), and in return for payment (e.g., GIA). In addition, the NLRB has also utilized a blended approach that considers the employer’s degree of control, as well as the alleged employee’s economic dependence on the employer.

While the common law test seems to offer support for the view of profit-athletes as employees, the NLRB (in *Brown University*) has delineated two core principles under which college students (presumably including profit-athletes) are not employees if their work “...is primarily educational and, second, if their relationship with the university is not an economic one” (McCormick & McCormick, 2006, p. 95). As is described in the following section, the degree of control exerted by PWI athletic departments exceeds that directed toward any other employee or group of employees within a university setting. Such pervasive control is the first facet of profit-athletes’ company town existences.

### *Profit-Athletes’ Oscillating Migration Patterns*

Not precluded from a metaphor in which profit-athletes are compared to laborers, is the fact these athletes willingly migrate to college campuses in order to “play” their sport and for an opportunity to obtain a college education. This “opportunity” is often cited as adequate compensation for profit-athletes’ athletic labor (Hawkins, 2010). The value of a college education is a message that resonates within many segments of the Black community, and is stressed by many Black parents as necessary for upward social mobility. This attitude is reflected in the well-known phrase associated with the United Negro College Fund: “A mind is a terrible thing to waste.”

For all college athletes, athletics potentially provides this dual benefit: a chance to continue their athletic careers, while also obtaining a college degree. However, profit-athletes disproportionately, view their athletic talents as also providing a more immediate opportunity to dramatically improve their families’ socio-economic status (Makuhari Media Production, 2013). In order to realize this economic gain players (often rural and many times Black) may travel to out-of-state colleges and universities, and barter their athletic abilities in exchange for an athletic grant-in-aid (Hawkins, 2010). Similar to other labor migrations, in which rural Southern workers (Black and White) headed north for job opportunities,



three Southern states (Texas [1], Florida [3], and Georgia [5]) are among the top five FBS football-player producing states (Baker, 2010). In addition, when analyzed on a per-capita basis, six Southern states are among the country's top-ten (Louisiana [2], Florida [3], Alabama [4], Georgia [5], Texas [6], Mississippi [8]) (Baker, 2010). As a result, their relationship with these universities and colleges (often PWIs) is similar to the rotational existence of other oscillating migrant laborers between their residence and work locations.

In addition to these two locations often being geographically distant, Cicourel (1982) suggests oscillating migrant laborers' experiences are organized around two – often distinct – cultures: a home-site, which includes family and friends of similar social and cultural origins; and a work-site that involves different and unfamiliar social and cultural expressions. This is consistent with the lived experiences of many profit-athletes, especially Black players who compete for PWIs. While a majority of their teammates may be culturally and socially similar, these profit-athletes are most often a small minority within the larger PWI setting.

Southall et al. (2012) noted (consistent with NCAA (2010c) data) that while at many FBS PWIs the Black male student population is less than ten percent, these universities' football and men's basketball team rosters are comprised – overwhelmingly – of Black athletes.

Another characteristic of oscillating migrant workers' existence is the economic incentive of relocating to the work site for the sole purpose of exchanging their labor for wages. As a result of this incentive, oscillating migrant laborers rotate for various periods of time between two cultures (Stichter, 1985; Wilson, 1972). Wilson (1972) explains that:

Oscillating migration occurs when men's [sic] homes are so far from their work that they cannot commute daily and cannot see their families weekly, monthly, yearly or even less frequently (p. v).

For many immigrant workers, who came to the United States and worked in company towns, such migratory rotation was perceived as a temporary state, mainly to gain money, which would ultimately result in a return to the home society Philpott (1978).

This player-motivation factor was encapsulated in a comment attributed to the publisher of a recruiting publication, *SuperPrep Magazine*, who said, "... a lot of these kids are looking for a better life" (Baker, 2010, para. 15). An additional variable that provides context for examining FBS player-production is provided by the 2010 U.S. Census, which revealed these six Southern states providing the vast majority of US college football talent are also among the United States' most-poverty ridden states, with on-average 25.86% of their children living in poverty (United States Census Bureau, 2013).

Oscillating migrant laborers (including incoming first-year FBS football and men's basketball players) enter their work locations fully prepared to work (i.e., their communities have supplied the reproduction labor costs). In this system, the work location (i.e., PWI athletic department and/or football/basketball program) is mainly responsible for providing an opportunity for the laborer to work. The home community assumes responsibility for the laborers' growth and development, not only prior to their migration, but also if and when they return home injured or too old to work. The dominant features of an oscillating migrant labor pattern are: (a) rotation between work and home sites, (b) a desire to improve their family's financial conditions (in order to requite money for paying taxes, and buying food and/or clothes), and (c) labor that can often be obtained at a lower per-unit-cost than non-migrant labor.

Within today's big-time college-sport system, migrant athletes' hometowns assume most of the responsibility for the athletes' preparation (reproduction, feeding, clothing, and training), prior to their migration to a PWI, but do not reap a proportionate level of benefits from the migrant's labor performed at the work site. The benefits associated with the football player's labor (e.g., sold-out stadiums, revenue production, wins and losses, salaries and bonuses, etc.) disproportionately accrue to the PWI athletic department.

In addition, migrant laborers often are not solely accountable for their migration. Migration

decisions often involve the migrant, his family, and some group of non-migrants (e.g., college recruiter, high school coach, or family advisor). For the migrant college football player the expected process of shared costs and returns is explicitly spelled out in contractual arrangements between the athlete and the various college-sport entities (e.g., NCAA Eligibility Center, National Letter of Intent [NLI], and university admissions offices). The rigid and controlled nature of the dictated terms (e.g., contained in the NCAA Student-Athlete Statement), clearly reflect the PWIs' dominant bargaining position.

### *Monitoring and Control of Athletes' Behavior and Movement*

The parallel between company towns and college athletic departments is evident in profit-athletes' segregated housing arrangements, training regimens, and advising and academic support systems (Glier, 2012). Profit-athletes tend – in important respects – to be physically, culturally, and socially isolated from other students, as well as the rest of the campus community, much as primary-employer migrant laborers (e.g., steel workers or coal miners) were often physically and geographically isolated from other company-town citizens (e.g., shopkeepers, professionals, company doctors, or managers). On PWIs profit-athletes eat, train, and study in isolation from the rest of the student body (Bishop, 2013; Uthman, 2013). While occupying much the same physical space as ordinary students – for example in classes – they live in what is, in many ways, a tightly controlled parallel universe indicative of Goffman's (1961) *total institution* – a place of residence and work in which "...a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life" (Goffman, 1961, p. xv). There are several ways in which athletic departments constrain profit-athletes' daily existences, including rigid scheduling – as described by Sears (2010):

Right away, these student-athletes began tackling intimidating schedules, beginning with 5:45 a.m. workouts each day.

For Denzel McCoy, a defensive lineman from Lawrenceville, Ga., that means setting an alarm for 4:45 a.m. and being out the door 15 minutes later.

Synjyn Days, a quarterback from Powder Springs, Ga., is a late riser by comparison, waking up at 5 a.m.

"It's an adjustment getting used to all the hours and hard work that you have to commit to," Days said. "Waking up early, going to bed late, and not getting much sleep."

After morning workouts, most players have enough time to grab a quick breakfast or catch a few more fleeting minutes of shut-eye before the first of their two-hour class sessions begins at 9 a.m. McCoy, who has two classes on Mondays and Wednesdays and three on Tuesdays and Thursdays, said he generally arrives back at his dorm room by 6:30 p.m. and is in bed by 9:45 or 10 in preparation to do it all again the next day (paras. 4-9).

This daily "grind" (Sears, 2010, para. 10) occurs within strictly segregated athletic training facilities, academic-support centers, as well as medical, physical rehabilitation and dining facilities.

Coley (2007) described the degree of control and isolation of football players in stark terms:

...coaches make it their business to supervise student athletes, especially the young ones, to make sure they are doing all the things necessary to be able to play ball. Players usually live together to encourage a team mentality on and off the field. They are herded to breakfast where they eat astonishing portions and are briefed on any important information by trainers, position coaches, or managers (para. 2).

The degree of segregation and isolation made possible by modern technology is evident in the *Football*

*Performance Center* at the University of Oregon, which contains "...a locker room that can [only] be accessed by biometric thumbprints" (Bishop, 2013, para. 2). While most often media accounts focus on opulent facilities (e.g., a barbershop with utensils from Milan), the totality of player isolation is metaphorically reinforced by a description of the complex as "a spaceship" (Bishop, 2013, para. 4).

Similar to the totalizing nature of PWI athletic departments, company towns' insularity facilitated an atmosphere of intrusive surveillance of workers' lives, even when they were not at work. A federal investigation of textile towns in the South in the early 20<sup>th</sup> century found that "all the affairs of the [people in the village] are regulated entirely by the mill company" (Hall, Leloudis, Korstad, Murphy, Jones, & Daly, 1987, p. 114). Concerned about workers' morals, mill managers often justified such spying as essential to factory workers' social well-being, especially since many company towns were suffused with a religious ethos, which emphasized the value of hard work, thrift and upright behavior (Hall et al., 1987). Additionally and more pragmatically, ensuring employees went to bed at a reasonable hour meant they were more likely to be in "better condition to work in day time" (Hall et al., 1987, p. 120).

Today, the behavior of NCAA D-I athletes' (especially profit-athletes) is monitored and scrutinized by athletic department staff and coaches much more so than that of regular students. For example, athletes' use of social media, a right every other student possesses, is closely tracked and restricted. Hosick (2013) noted, "Many member institutions feel pressure to monitor their student-athletes' online activity to demonstrate effective oversight that will stand up to scrutiny if ever faced with allegations of significant violations of NCAA rules" (para. 2). While the methods of monitoring differ among PWIs, most compliance directors agree that significant monitoring and regulation of content posted is justified. As one Associate Athletic Director for [NCAA] Compliance said, "We do monitor it, and we tell them we're doing it.... We're not going to bury our heads in the sand" (Hosick, 2013, para. 18).

In addition to monitoring and regulating athletes' social media activities, some PWI athletic departments track their profit-athletes' spending habits. In the fall of 2012 The Ohio State University (OSU) began such targeted scrutiny (Bishop, 2012). Ohio State justified the practice as a reasonable response to a recent scandal in which football players exchanged memorabilia for free tattoos, a violation of NCAA rules against impermissible benefits to athletes (Bishop, 2012). OSU's athletic director, Gene Smith, called this tactic a "common sense" policy, since there are so many different ways to run afoul of NCAA rules (Bishop, 2012).

Consistent with a post-racial perspective,<sup>6</sup> Smith said the surveillance was simply "educational," since many profit-athletes come from poor backgrounds (where they had never before, for example, opened a checking account) (Bishop, 2012). Consistent with Goffman's (1961) total institution and similar to the culture of Southern textile towns, PWI athletic administrators see nothing abnormal about exerting paternalistic claims on the lives of profit-athletes that echo the social experience of migrant company-town workers.

### *Grant-in-Aids as Scrip*

While the NCAA, consistent with Bylaw 12.02.3, insists it does not "pay" college athletes, an athletic grant-in-aid is a tightly controlled form of permissible compensation (Bylaw 12.01.4), akin to company *scrip* (NCAA, 2013b). Scrip is not legal currency, but is convertible into currency by the individual, company, or organization issuing it.

Historically, many mining or logging camps, as well as steel or textile mills founded, owned and operated by a single company also utilized a scrip system. Because of the isolated and "cash-poor" nature of some company towns, the issuance of scrip allowed the company to retain cash assets and maintain an economic monopoly on goods and monopsony on labor. It also allowed the company (through its stores) to "mark-up" goods, since the conversion-rate of scrip to cash was controlled by the company.

In either cash-poor or cash-controlled settings, company scrip allowed workers to obtain credit,

but gave them no choice but to purchase food and other goods at a company store. In many US company-town scrip systems, company stores stocked only products the company deemed appropriate at a price that allowed the company to greatly limit its wage bill and, in fact, often left workers in debt to the company (Steinbeck, 2006). Such a system resulted in workers being disproportionately dependent on the company for their subsistence, insuring worker loyalty and obeisance (Green, 2010).

While contending a GIA does not constitute “pay for play,” defenders of the NCAA collegiate model simultaneously claim a “priceless” “full-ride” scholarship is more than adequate approved compensation for profit-athletes’ athletic labor (Huma & Staurowsky, 2012; Southall & Nagel, 2009; Southall & Staurowsky, 2013). However, for these athletes – who disproportionately do not graduate at rates comparable to other full-time students and are clustered in specific majors – a GIA’s educational value is degraded (Fountain & Finley, 2009; Fountain & Finley, 2011; Sack, Park, & Thiel, 2011; Simiyu, 2012; Southall, 2012; Southall, Eckard, Nagel, & Hale, 2012; Southall, Nagel, Exton, Eckard, & Blake, 2013). In addition, from a market-economy perspective, GIA-based scrip denies profit-athletes access to a market-recognized medium of exchange (cash) as compensation for their athletic labor (McCormick & McCormick, 2006; Southall & Staurowsky, 2013). As a result, the approved compensation is tightly controlled by universities and redeemable only within the collegiate model’s parameters (Sack & Staurowsky, 2013).

Understandably, some profit-athletes –who may be the first person in their family to attend college – may view a GIA as a valuable educational opportunity. In addition, many FBS college football and NCAA D-I men’s basketball players reportedly view a GIA as the “pot of gold at the end of the rainbow” – in the form of a lucrative decade-long NFL or NBA career (Clary, 2009; DeBrock, Hendricks, & Koenker, 1996; Makuhari Media Production, 2012). While a 19<sup>th</sup> and 20<sup>th</sup> Century coal miner did not hold out hope his dangerous, below-ground existence would lead to a multi-million dollar payout – and a FBS football player’s existence may not be as perilous as that of a coal miner – only a very small percentage of profit-athletes go on to a professional sport career and a high percentage never graduate from college (Southall, 2012; Southall, Eckard, et al., 2012; Southall et al., 2013).

In an effort to justify the peculiar nature of the grant-in-aid system, defenders of the collegiate model often utilize “value-added” arguments that reference the “priceless value” of a college education and/or elite-level athletic training. Extending this line of reasoning, Bacon (2011) contended the true “value” of an athlete’s experience can be determined by totaling the expenditures that accrue to an athletic department – or a specific program - and dividing that figure by the number of athletes in the athletics program (Bacon, 2011). According to this model, coaches’ salaries, tutors, trainers, medical personnel and cost of facilities should be added to the “retail” value of a University of Michigan football GIA. Utilizing this method, Bacon (2011) calculated a value-added figure of approximately \$80,000 per year, per player.

This accounting method is flawed. It incorrectly designates coaching and administrator salaries as a form of athlete pay/compensation or benefit. By this logic, if a FBS football program has approximately 85 scholarship players, and a FBS football coach receives a two million dollar annual raise, each player’s value-added sum should be increased by an extra \$25,000 per year. Despite such logical problems, the value-added argument has been subtly reinforced by media accounts of extravagantly opulent facilities; the nuanced connotation is profit-athletes should be grateful for what the athletic department provides for them (Bacon, 2011; Bishop, 2013). Interestingly, value-added proponents do not advocate each University of Michigan football player receive an \$80,000 annual paycheck. Such “actual cash” compensation is – to many value-added proponents – unthinkable, since it is common knowledge these “kids” do not possess the financial skills to manage such a large sum of money (Bishop, 2012). Consequently, in keeping with the NCAA *Principle of Non-Exploitation*, benevolent paternalism is warranted, to protect athletes from commercial exploitation in the form of cash payments (NCAA, 2013b).

In addition, the Collegiate Model of Athletics’ scrip system, in which universities – to a great extent – substitute GIA credit for legal tender, obscures the nominal value of GIAs. In keeping with historic scrip system accounting practices, collegiate model, value-added proponents calculate a GIA’s

value on a retail, instead of an actual expenditure basis. In addition to obfuscating discussions regarding a GIA's value, the NCAA GIA scrip system forecloses profit-athletes from participating in the cash-based market economy open to college coaches, athletic administrators, affiliated corporate partners and, indeed, ordinary students (Brand, 2006; McCormick & McCormick, 2006). Finally, a GIA's non-fungible nature is exacerbated by other variables, including special-admissions processes, practice and competition schedules that infringe upon the athletes' educational access, athletes being "steered" to certain majors, and restrictive transfer rules (Schwarz & Rascher, 2012).

### *Limited Athlete Representation in College-Sport Governance*

According to the NCAA website: "The mission of the NCAA Division I Student-Athlete Advisory Committee [SAAC] is to enhance the total student-athlete experience by promoting opportunity, protecting student-athlete well-being, and fostering a positive student-athlete image" (NCAA, 2013a, p. 2). The SAAC system exists throughout NCAA D-I athletics at the university, conference, and national level. Each NCAA athletic department has a SAAC comprised of athletes assembled to provide 'insight' on college athletes' experiences. The SAAC system allows athletes to offer 'input' on the rules, regulations and policies that affect college athletes' lives on NCAA member institution campuses (NCAA, 2013a).

A national Division I SAAC reports directly to the Division I Leadership Council (NCAA, 2013a). In addition, the SAAC chair and vice-chair participate in each meeting of the Leadership and Legislative Council, respectively, 'in an advisory capacity,' and a SAAC member serves in an 'advisory capacity' to each of the six Division I cabinets and several Association-wide committees. According to the NCAA, through these mechanisms NCAA Division-I athletes 'offer input and assist' in shaping proposed legislation, by which their division is governed (NCAA, 2013a).

Many NCAA and PWI athletic administrators insist profit athletes are adequately compensated, while dismissing suggestions they are employees who should be allowed to form player associations (unionize) (Brand, 2006; Emmert, 2012; McCormick & McCormick, 2006). In addition, the NCAA contends the SAAC allows NCAA athletes' representatives to "Actively participate in the administrative process of athletics programs and the NCAA" (NCAA, 2013a, p. 4).

This attitude mirrors the historic opposition of 19<sup>th</sup> century capitalists, as well as many state legislators' to union organization or worker advocacy during the height of industrialization in the United States (Green, 2010). In addition to the NCAA and state legislatures repeatedly rebuffing calls for independent representation of profit-athletes, the NCAA has historically denied Division I athletes voting rights within the division's governance structure (Brown, 2001; NCAA, 2013b). McCormick and McCormick (2006) have noted the resulting mismatch in power, resources and leverage between unorganized profit-athletes, and the NCAA and its corporate partners (backed by the tolerance of state and federal law). Jeffrey Kessler, a labor attorney who has worked with players associations in the NFL and NBA, describes NCAA profit-athletes' situation: "They don't have any rights under federal labor laws. They don't get to form a union, strike, collectively bargain, or file unfair labor practice complaints. That's not available to college athletes" (Waldron, 2013, para. 33).

Just as in company towns, where independent labor organizing was suppressed in favor of company-controlled "employee-representation plans," NCAA Division I athletic departments do not provide athletes an opportunity for independent voting representation (Green, 2010; Waldron, 2013). Until 2014, courts historically ruled profit-athletes are not workers, which foreclosed them from seeking independent labor representation, collective bargaining or other legal instruments of redress (Waldron, 2013). Though the landmark NLRB ruling opens the door to independent labor representation for athletes, it does not guarantee it (Northwestern University, 2014). The ruling only covers the 17 private school that field FBS teams (Northwestern University, 2014). And a long legal battle is likely to ensue to contest even the newly-won employee status for players. Therefore, though independent representation is now theoretically a right for profit-athletes, it is not yet a concrete reality.

This recent legal shift reflects the fact that while the US legal system has historically acceded to the NCAA's interpretation that profit-athletes are amateur students engaged in an extra-curricular educational activity, recently there has been a shift in the public and academic perception (Makuhari Media Production, 2013). Increasingly, in popular press accounts (Gregory, 2013, The Editorial Board, 2013) and academic research, profit-athletes are viewed as laborers who migrate to universities to work in an exploitative big-time college sport industry (Glier, 2010; McCormick and McCormick, 2006; McCann, 2013; Schwarz & Rascher, 2012; Southall & Staurowsky, 2013).

In this context, it's worth noting profit-athletes do not have unfettered ability to migrate. Indeed profit-athlete migration is subject to controls not imposed upon most expenditure athletes. In general, NCAA transfer rules are much more restrictive in sports that have revenue-generating capabilities: NCAA Division-I baseball, football, men's basketball and men's hockey (Davis, 2012). In these sports no transfer exceptions are allowable; the athlete loses a year of eligibility upon transferring (NCAA, 2011). Recently, NCAA coaches, particularly in men's basketball and football, have complained of a "transfer epidemic" and have called for tighter restrictions on profit-sport athletes' ability to do so (Levin, 2013). Coaches already sometimes exercise their power to "block" players from transferring to competitors (Davis 2012). If a player insists on transferring to a blocked school, he must sit out a year without a GIA, a substantial economic penalty (Huma & Staurowsky, 2012). Despite coaches' alarmism regarding player migration patterns (Hawkins, 2010; Southall, Hawkins, et al., 2012), data from the past ten years reveal such concern is unjustified (Levin, 2013).

While public perception is changing, the NCAA continues to promote the benefits of Brand's Collegiate Model of Athletics, which – even after Brand's death – has been effectively disseminated throughout the NCAA governance structure (NCAA, 2010b, NCAA 2013b). This model is the logical extension of Walter Byers' (NCAA Executive Director) term of art: "student-athlete" (Byers & Hammer, 1985). Central to both concepts is "...a better-understood definition of amateurism that isolates the principle to the way in which student-athletes are viewed without imposing its avocational nature on revenue-producing opportunities" (NCAA, 2010a, para. 4). The NCAA's successfully imbedding its notion of amateurism in the public domain "...has served intercollegiate athletics well in litigation where courts have held that the NCAA is permitted a certain degree of discretion in its efforts to preserve the concept" (NCAA, 2010a, para. 2).

### *Associated College-Sport Health Risks*

In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, the primary industries upon which most company-towns depended for their economic existence (e.g., coal mining, copper mining, and steel production) were dangerous occupations, extracting a high physical, economic and emotional toll on workers and their families. According to the Mine Safety and Health Administration (MSHA), "Since the earliest days of mining, the job of digging coal and other useful minerals out of the earth has been considered one of the world's most dangerous occupations" (Mine Safety and Health Administration [MSHA], n.d.[a]: para. 1). Thousands of coal miners died in the thirty-year-period (1880-1910), which was the heyday of coal-mining company towns. In 1907, the deadliest year in U.S. coal mining history, officially 3,242 deaths occurred (MSHA, n.d.[a], para. 3). On December 6<sup>th</sup> of that year, the Monongah Mining disaster occurred. A series of explosions thought to be caused by the ignition of methane and coal dust in Fairmont Coal Company Mines 6 and 8, near Monongah, WV, killed hundreds of miners (somewhere between 358-500+ victims) (MSHA, n.d.[b], para. 3).

While in fundamental ways the life of a football player at the University of Alabama-Tuscaloosa in 2013 is not equivalent to the actual conditions of life on a plantation, nor as perilous as being a West Virginia coal miner, it should be noted college football players (by far the most lucrative college sport) do face endemic health problems. According to Hootman, Dick, and Agel (2007), college football players have the highest injury rates for both practices (9.6 injuries per 1000 A-Es) and games (35.9 injuries per 1000 A-Es) among all college athletes. In recent years research on head trauma and its potential long-



term negative health effects has cast a pall over the sport.

Similar to subsurface coal mining, which frequently led to “black lung” disease among miners, and “brown lung” disease that afflicted textile workers, college football (college sport’s main economic engine) is increasingly seen as a dangerous “occupation,” with “recent published reports of neuropathologically confirmed chronic traumatic encephalopathy (CTE)<sup>7</sup> in retired professional football players and other athletes who have a history of repetitive brain trauma” (Center for the Study of Traumatic Encephalopathy [CSTE], n.d., para. 1). Since almost every professional football player was a profit-athlete, the hazardous nature of many company town occupations is another metaphoric conflation.

As a result, while the extensive health services provided to football players may initially appear to be generous and altruistic, they can also be viewed as capital expenditures to protect universities’ investments in the labor-force that drives the collegiate model (Huma & Staurowsky, 2012). If an important profit-athlete is injured and unable to compete, his athletic value to the athletic department is significantly diminished. Therefore, it is in an athletic department’s best interest to insure profit-athletes can be rehabilitated and return to competition as soon as possible.

### *Moral and Character-Based Justifications for the Collegiate Model*

The NCAA characterizes Brand’s (2009) Collegiate Model of Athletics as a benevolent enterprise that treats recruited athletes very well, providing them with room and board, comprehensive health care and extraordinary educational opportunities. In sum, big-time collegiate athletics affords athletes opportunities otherwise unavailable. In Brand’s model, profit athletes are provided a chance to continue their athletic careers, while also obtaining meaningful college degrees (2009). This beneficent paternalistic college-sport perspective is analogous to the argument used by company-town industrialists to defend their recruitment of economically disadvantaged migrant laborers (Crawford, 1995). Capitalists contended they provided workers an opportunity to improve their “lot in life” and secure a better standard of living than if they were unemployed or tenant farmers.

To access the educational opportunities on PWI college campuses (Southall & Nagel, 2009), profit-athletes<sup>8</sup> migrate to “distant” colleges and universities and barter their athletic abilities in exchange for an athletic grant-in-aid (Hawkins, 2010; NCAA, 2010c; Southall et al., 2012). Profit-athletes, just as oscillating migrant workers in other industries, envision promising futures, in a secure and congenial setting that will maximize their athletic productivity, while ostensibly also providing intellectual growth and development (Hawkins, 2010).

Owners of company towns generally used a “discourse of benevolence” to justify their restrictive practices (Crawford, 1995, p. 2). While some evinced little concern for workers beyond maximizing work hours and minimizing wages, other company towns (including Pullman, Illinois; Hershey, Pennsylvania; and Humphreysville, Connecticut) practiced a thoroughgoing paternalism. David Humphreys’ outlook was inspired by a Calvinist ethos that work was “both morally and socially improving” (Crawford, 1995, p. 17). He insisted on strict discipline and exercised the right to immediately dismiss any apprentice deemed to be immoral, all to ensure he was instilling the values of hard work and moral rectitude in his otherwise potentially “wayward boy” apprentices (Crawford, 1995). Historically, college coaches have regularly framed their occupation in similar terms, emphasizing the primary importance of helping turn “boys into men,” by teaching them character and discipline. Many coaches have historically insisted their off-the-field work with athletes is at least as important as winning games on the field.

In both instances those who run these enterprises have propagated the belief a GIA, which consists of room and board, tuition and fees, is more than adequate compensation for the rigorous and enriching educational and work experiences, which they provide for their athletes. Furthermore, strict control in both contexts, including the ability to dismiss uncooperative and ungrateful “family members” is necessary to inculcate proper notions of authority and appropriate habits of mind in these kids. Critics of the Humphreys model long ago pointed out that rather than encouraging “growth and independence” (which many would say are two hallmarks of the college experience), this sort of paternalism “demands

continual subservience, loyalty and appreciation” (Crawford, 1995, p. 17). But it is precisely those values – subservience, loyalty and appreciation – that appear to be crucial to maintaining the Collegiate Model of Athletics.

Such systemic paternalistic control is consistent with company town practices, in which owners and managers typically saw themselves as benevolent protectors of their “charges,” even as they exploited these employees’ labor. For example, in Humphreysville, Connecticut, home of an early 19<sup>th</sup> century wool-processing company town, the owner and benefactor of Humphreysville, David Humphreys, specifically invoked the notion of *in loco parentis*,<sup>9</sup> particularly over the orphan boys who served as “apprentices” and received room and board, but no wages (Crawford, 1995). Humphreys insisted on a tightly regimented schedule for his charges, including mandating they attend classes at the end of their (long) workdays as well as Sundays. Admiring contemporaries, reflecting on the model houses in which workers slept, the fresh vegetables they consumed, and the generally strict and compliant manner in which they lived and worked, saw workers in Humphreysville as “members of a well-regulated and happy family” (Crawford, 1995, p. 27).

## Discussion

Since profit-athletes are not physically compelled to participate in college sport, involvement in intercollegiate athletics is a choice, rather than an obligation. Consequently, for many collegiate model supporters the analogy of athletic departments as slave plantations is unacceptable (Brand, 2006; Emmert, 2012). However, the company-town metaphor is not subject to this “free will” criticism, since profit-athletes – just as other oscillating migrant laborers: (a) “freely” rotate between work and home sites, (b) are motivated to improve their family’s financial conditions, and (c) are a labor force that can be obtained at a low per-unit-cost (Hawkins, 2010; Schwarz & Rascher, 2012; Southall et al., 2012). Unlike slaves, but similar to company-town workers, profit-athletes are cheap labor.

According to accepted notions of “freedom,” even though profit-athletes have disproportionately few alternatives for improving their circumstances they are still free in the Weberian sense (Weber, 1964) – a crucial element offered in support of Brand’s Collegiate Model of Athletics by NCAA staff, many college-sport administrators, some fans, media-rights partners, corporate champions, and marketing entities (e.g., IMG, Learfield). Importantly, while initially a vast majority of big-time college football and men’s basketball players freely and often enthusiastically travel to NCAA Division I athletic company towns fully prepared to work, many profit-athletes also view their migration as an economic necessity – a job opportunity (Hawkins, 1999, Makuhari Media Production, 2013). In this system, the athletic company town is mainly responsible for providing an opportunity for the laborer to work. The home community assumes responsibility for the laborers’ growth and development, not only prior to their migration, but also if and when they return home injured or too old to work (e.g., when their athletic eligibility expires) (Hawkins, 2010).

Company towns were often the creations of larger economic entities, like US Steel, which maintained a number of such towns (Green, 2010). Likewise, the NCAA sits in an at-a-distance relationship to its many member institutions that interact most closely with profit-athletes. Just as is the case with other migrant workers, the players’ hometowns do not reap a proportionate level of benefits from the athletes’ athletic labor (Hawkins, 2010; Southall et al., 2011). The benefits associated with football players’ labor (e.g., sold-out stadiums, revenue production, wins and losses, coaches’ and administrators’ salaries and bonuses, etc.) disproportionately accrue to the athletic department and – indirectly – the NCAA.

In many situations, migrant laborers are not solely accountable for their migration. This is often the case in big-time college sport, where the choice of which big-time program a profit-athlete will join often involves the athlete, his extended family, and some group of non-migrants (e. g. college recruiter, high school coach, or family advisor) (Hawkins, 2010). For the migrant college football player the expected process of shared costs and returns is explicitly spelled out in contractual arrangements between

the athlete and various college-sport entities (e.g., NCAA Eligibility Center, National Letter of Intent [NLI], and university admissions offices) (McCormick & McCormick, 2006). Importantly, just as in a company-town setting, the dictated terms (e.g., National Letter of Intent, Grant-in-Aid, NCAA Student-Athlete Statement) clearly reflect an athletic department's dominance (Southall & Staurowsky, 2013).

As has been previously noted, the daily existence of migratory profit-athletes is fundamentally different than most loss-athletes or regular students. Not only do they spend a goodly part of each day physically separated or isolated from the rest of the student body, their rights and privileges differ. Transfer rules restricting their freedom of movement (a condition of their receipt of a GIA), restraints on their right to pursue professional sport opportunities, and the requirement they allow use of their (much more valuable) images and likenesses by the NCAA and member athletic departments mark profit-athletes as a special class of student (Schlabach, 2013). These constraints suggest they live in a metaphorical company town with invisible, total-institution boundaries constraining their existence.

As we have emphasized, the company town metaphor does not assert all aspects of the total institution of big-time college sport in which profit-athletes live and work today are exactly the same as those of West Virginia coal miners in the early 1900s. However, the metaphor is useful in illuminating the similarity between the college sport enterprise and ideal-typical company towns (Green, 2010). This historical metaphor provides a basis from which 21<sup>st</sup> Century observers may attempt to make sense of the complex and often confusing business of big-time college. It also helps illuminate the limitations of profit-athletes' agency within the larger enterprise. Within this setting, the company town metaphor provides an opportunity to question NCAA college sport hegemony (Southall & Staurowsky, 2013).

This metaphor also provides profit-athletes, whose current reality is akin to that of Heinlein's protagonist in *Strangers in a Strange Land*, an opportunity to redefine their actuality. As previously noted, PWI profit and loss athletes exist in a highly segregated total-institution setting (e.g., athletic-training and academic-support facilities). As a result, even though big-time college football and men's basketball players may intermingle with other students on PWIs, whether in dorms, classrooms or cafeterias, their existence is also constrained by the college sport enterprise's invisible but very real boundaries. Michael Oriard (2009) aptly described how opportunity and exploitation are deeply entangled within big-time college football. As a result of these dual realities, as well as the shared physical space and identity of ordinary students and profit-athletes (who – for example - share the same school colors), it becomes easier to obscure the peculiar nature of the constrained circumstances of profit-athletes' employment.

In addition to being isolated from other students, the degree to which subservience is demanded of profit-athletes is illustrated by the reaction to a 2012 *Facebook* post by a University of Georgia (UGA) football player, Cornelius Washington, in response to negative fan postings on social-media sites:

...you think you know so much, but in reality you know nothing about the players and their struggles. 99% of you don't give a crap about us outside of football. When we're doing well you're all in our faces, when things get tough and we need encouragement you're nowhere to be found. You're fake and I despise you for it. We shall band together guys, we've been working hard and we only need each other. NONE of those outsiders will contribute to our survival as a team or as individuals; you can guarantee that (Southall et al., 2012).

Subsequently, Washington's posting was the subject of intense media scrutiny. He was disciplined by the UGA athletic department, which arranged for him to release the following apology:

I am at fault because no matter how I felt I should never have let those feeling[s] get control of my better judgment. I should have kept it to myself and let the entire situation die down. My biggest regret about the whole thing is that it has cause[d] so much disruption amongst the team. I forgot for a minute that I am here to get an education and play football and that pretty much is the extent of my responsibilities. I am not here to complain about the fanatics and for that I do apologize (Southall et al., 2012).

The public disciplining of Mr. Washington and his subsequent apology mitigated backlash against the Georgia football program from angry fans. However, while the ‘ungrateful’ profit-athlete was figuratively ‘put in his place,’ his apology still contained two intriguing elements of resistance: (a) Washington still viewed himself and his teammates as separate from the “fanatics” and (b) he did not apologize for what he said, just the negative fallout caused by his forgetting his responsibilities and not keeping his feelings to himself (Southall et al., 2012). This episode highlights the unusual constraints facing high-profile profit-athletes. The scrutiny to which they are subject makes little sense if they are fundamentally viewed as students first. But if they are employees whose labor is necessary to the perpetuation of a tightly controlled socio-economic model, the need to police their behavior becomes clear.

Writing about 19<sup>th</sup> century southern mill towns, Hall et al. (1987) noted “mill owners and their supporters thought they offered salvation even as they helped create a new economic and cultural order based on acquisitiveness and individual accumulation” (p. 31). Further, Hall et al. (1987) argued, “fusing the profit motive and a philanthropic impulse, mill owners often cast themselves as public benefactors who were creating jobs for the growing number of rural poor” (p. 31). Given the extent to which religiosity and the imperative to build “men of character” suffuse the ethos of college sports, the parallels seem especially apt.

The idyllic settings of most major universities add to a sense that “student-athletes” live in an ivy-covered, academic paradise. Such characterizations, represented during most – if not all – game broadcasts help impede fans’ ability to see big time college sport’s systemic exploitation. One of the exemplary company towns of the 19<sup>th</sup> century, Pullman, Illinois, provided a transitional model from older company towns to more modern enterprises, focusing on scientific management, greater attention to labor relations and a commitment to forestalling unionism by offering better wages and a more appealing physical environment in which workers would live. Pullman built schools, libraries and decent lodgings for its workers. In the end, though, such measures did not prevent significant labor upheaval. In 1894, Pullman workers launched a massive strike (Crawford, 1995). In a subsequent report by an independent government commission tasked with investigating the sources of labor unrest, it was noted that while the aesthetic features of Pullman were admired by visitors, they “have little money value to employees, especially when they lack bread” (Crawford, 1995, p. 8).

In other words, even in the case of more “progressive” enterprises, the ultimate goal was revenue generation and profit maximization. So too, super high tech training facilities, multi-million dollar “academic-support” centers, ultra-modern medical facilities and expansive state-of-the-art stadia, convey the impression that big-time college sports are bathing their charges in a relative lap of luxury, except when it comes to monetary compensation for players. Consistent a company town employment logic, enhancements to the physical spaces in which workers work and live are understood to be improvements for which they should be grateful. Likewise, profit-athletes are deemed to be receiving benefits for which “you can’t put a price on,” though as we’ve noted previously, when it suits them, defenders of the collegiate model do try to ascribe a monetary value to such benefits.

In sum, it is not necessary to prove profit-athletes’ existence is identical to the conditions in which workers in Pullman, Humphreysville, or a Monongah labored. Even if there are degrees of difference within obviously divergent historical contexts, through metaphoric analysis we can engage in analogical reasoning to understand the subtle, but pervasive ways the Collegiate Model of Athletics constrains profit-athletes. This paper’s company-town metaphor provides a fresh look at big-time college sport.

While this metaphor will not, in and of itself, change the landscape of NCAA D-I big-time college sport, it does challenge the common sense view of the industry espoused by NCAA and college-sport functionaries. Our company town metaphor provides a historic lens through which complex economic concepts involving antitrust law; athletes’ rights; name, image and likeness, intellectual property rights, and unjust enrichment can be viewed. We hope this metaphor allows for the humanization of profit-athletes who migrate to PWIs from geographically and culturally distant settings, often adopting a mental and emotional state that fluctuates between resistance and conformity, disagreement and apathy.

After more than five decades, through sophisticated and subtle sociological propaganda (Jowett & O'Donnell, 1992; Southall & Staurowsky, 2013) the NCAA national office has achieved spontaneous consent to its collegiate model. For some, NCAA hegemony is complete (i.e., coaches, conference commissioners, and administrators, corporate partners), while others exist in a state of “moral and political passivity” (Gramsci, 1971, p. 333). Some (i.e., presidents, FAR's, and many loss-athletes) view profit-athletes as valued entertainment commodities. Almost all, however, unquestionably accept the NCAA's Collegiate Model of Athletics, allowing for the simultaneous insistence on the primarily educational mission of college sport alongside the perceived necessity of maintaining it as a massive revenue-producing enterprise. In his discursive and sophistic efforts to articulate a rationale for these incompatible aims, former president Brand sought to persuade college-sport stakeholders that it “made sense” for these revenue generating athletes to be deemed something other than ordinary employees entitled to standard forms of compensation.

However, as Kuhn (1991) noted, propaganda is effective because it exploits people's reluctance to intellectually engage with any oppositional or alternative views. We contend our company-town metaphor is a necessary counterbalance to Brand's predetermined fabrication and manipulation of the amateur mythology to deliberately and systematically shape perceptions, manipulate cognitions, and maximize college-sport's revenue generation capacity (Brand, 2009).

Consistent with Geary (2011), our view of PWI athletic departments as company towns disorganizes the NCAA's common sense of things, reorganizing the collegiate model into uncommon combinations. The resulting “un-common-sense” view provides a fresh look at the landscape of big-time US college sport, while also empowering social action. Such metaphoric construction is ethically justified, since it allows us to question the morality of the NCAA's Collegiate Model of Athletics.

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## Footnotes

<sup>1</sup>Profit-athletes are NCAA college athletes whose estimated market value exceeds the value of NCAA-approved compensation (i.e., NCAA Bylaw 15.02.5 “A full grant-in-aid is financial aid that consists of tuition and fees, room and board, and required course-related books.”).

<sup>2</sup>After a link to the NCAA’s President’s Briefing Documents was published March 30, 2012 in *The New York Times* (Nocera, 2012), the NCAA deactivated all associated URLs. Currently, a “404 Not Found” message appears. The NCAA does not deny the existence of the documents.

<sup>3</sup>Unedited President’s Briefing Documents available from authors.

<sup>4</sup> In the current NCAA D-I Collegiate Model of Athletics, almost all “Olympic sport” college athletes are “loss-athletes” – athletes whose market value is less than the value of NCAA-approved compensation. In addition, not all “revenue-sport athletes” are necessarily profit-athletes, since reserve or “bench” players may have a diminished market value.

<sup>5</sup> The term Predominately White Institutions (PWIs) refers to the set of US universities that are NCAA Division-I members competing in NCAA FBS football and/or NCAA D-I men’s basketball.

<sup>6</sup> Data from the 2009-2010 NCAA Student-Athlete Race / Ethnicity Report (NCAA, 2010c), Integrated Postsecondary Education Data System (IPEDS), and School District Demographics System (SDDS) provide evidence the majority of NCAA FBS football and men’s basketball players (including those with the greatest market value) are African-American males, who come disproportionately from lower-to-middle class socio-economic backgrounds (National Center for Education Statistics, n.d.).

<sup>7</sup>According to the Center for the Study of Traumatic Encephalopathy (CSTE), an independent academic research center located at Boston University School of Medicine, CTE “...is progressive degenerative disease of the brain found in athletes (and others) with a history of repetitive brain trauma, including symptomatic concussions as well as asymptomatic subconcussive hits to the head” (CSTE, n.d.).

<sup>8</sup>While a majority of profit-athletes are Black, an undetermined number are from poor and/or rural settings, culturally distinct from the college/university locales to which they migrate.

<sup>9</sup> College athletes (both profit and loss) are quite often referred to as “kids” and other childish monikers, even though most of them have reached the age of majority and may even be in their mid-to-late twenties. In addition, commentators and administrators often warn against the “inmates running the asylum.”