

***Journal of Issues in* Intercollegiate Athletics**

Indentured: The Inside Story of the Rebellion Against the NCAA

By Joe Nocera and Ben Strauss. Published 2016 by Portfolio Publishing, New York. (380 pages).

Reviewed by

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From bar stools to classrooms, college sports fans (or critics) have participated in or witnessed the proverbial debate—whether college athletes should be paid. *Indentured: The Inside Story of the Rebellion Against the NCAA*, is an informative and compelling read for anyone interested in college sports, particularly athletic administrators (secondary school to higher education), student-athletes, or those studying or working in sport business/management.

Indentured is written by Joe Nocera, an award winning journalist and long-time critic of the NCAA, and Ben Strauss, an author and contributing writer for the New York Times, who has also written extensively on college sports and the NCAA. It gives insight beyond what can be found in the sports media (because it goes into far more detail and is often straight from the sources) regarding critics of the NCAA and the group of “rebels” who decided to take on the NCAA in court.

The narrative compellingly interweaves real student-athlete and coaches’ experiences and anecdotes into the history and policy of the NCAA from its first executive director, Walter Byers, to the current president, Mark Emmert.

The authors’ conclusions in the introduction establishes the consistent themes throughout the book: First, that “the NCAA was a classic cartel, the OPEC of sports, which existed in no small part to artificially suppress the wages of its labor force—namely the players” (p. 8). Second, the term student-athlete “was a farce” considering the amount of time spent as athletes significantly outweighed the hours put towards academics, making sports a priority. Third, that bylaws, articulated within the NCAA rulebook, “aimed at furthering the amateur ideal and ensuring competitive balance on the field—were more appropriately seen as a means of keeping the players in their place” (p. 9). And fourth, athletes in men’s basketball and football, revenue generating sports, are exploited.

At the start of the book and in between each chapter, are brief anecdotes of individual athletes or coaches who had violations brought against them by the NCAA. In one example, a college basketball player died of cancer at age 20, and the NCAA would not allow their university to fly two of his teammates (who couldn’t afford to pay for the tickets) to the funeral,

stating it would be a violation of rules. In another example, a football player received a 20 percent discount on clothes he bought at a clothing store amounting to a \$12 savings. The penalty levied by the NCAA was a three-year suspension for accepting unauthorized benefits. Each story exemplified how oftentimes, the NCAA based “many of its findings on shaky or nonexistent evidence; continue to allow the enforcement staff to maintain a too-close relationship with the Committee on Infractions; continue to deny those accused an ability to cross-examine their accusers—or even to know who they were. And it would continue to rule by fear” (p. 44).

Although, the book is clearly written from a biased standpoint, it gives persuasive information to support its criticisms. For example, the original purpose of the NCAA was to protect student-athletes in general, but in its early years started turning into “a lucrative and commercial entertainment business” (p. 29). The term “student-athlete” was devised by the NCAA, in the 1950s, to avoid covering injured athletes under state workers’ compensation laws. In 1978, Representative John Moss led a yearlong series of hearings into the NCAA’s enforcement practices and said at one point, “it appears that they are far more interested in punishment than in justice” (p. 19). The NCAA won a supreme court case in 1988, “that meant that it was not required to give due process to those it accused of wrongdoing... When it brought a case against a school or a player, it acted as investigator, prosecutor, and judge” (p. 10). There were many examples throughout the book of the NCAA seeming to target certain schools, while turning a blind eye to others.

The authors make a persuasive argument that big-time college football and men’s basketball is a multi-billion-dollar industry, money made on the backs of young athletes (particularly minority youth) who in no way reap fair compensation for their service. However, the NCAA, athletics directors, coaches, and conference commissioners, among others, are making millions of dollars based on the performance of these young men. In a statement which sums up the overall sentiment of the book, Nocera writes: “NCAA was a classic cartel. Amateurism was merely a high-minded word meant to disguise the fact that the cartel suppressed the wages of its labor force—that is, the players. At the same time, big dollars were pouring into college sports as it became ever more commercialized” (p. 54).

In the early chapters, we meet one important “rebel” who played a major role throughout the book, Sonny Vaccaro, the sport marketer and “sneaker pimp” who felt that “the NCAA was systematically biased against impoverished black athletes” (p. 34). He pointed out many ways the NCAA was hypocritical by focusing on the amateurism of athletes; yet being a multi-billion-dollar commercialized business. The NCAA’s rationale for not compensating Division I football and men’s basketball players (the revenue generating sports) is that the profits from those sports are needed to subsidize the other sports at the institution. However, football and basketball are played disproportionately by poor minority males. Most other sports are played disproportionately by white middle class and upper-middle class college athletes. Vaccaro argues it is asinine for the NCAA to believe that the less fortunate, poor students need to subsidize the rich.

Other key figures included in the group of rebels who dared to take on the NCAA along with Sonny Vaccaro were Ernie Nadel, Dan Rascher, and Andy Schwarz. Each of them had a background in economics and worked at a firm that provided expert economic witnesses for lawyers bringing complex lawsuits, often revolving around antitrust issues. Another key figure profiled in the book was Ramogi Huma, a football player at UCLA who started the Collegiate Athletes Coalition (later changed to the National College Players Association).

Indentured chronicles important lawsuits and legal settlements that preceded the O'Bannon v NCAA lawsuit. It gave great detail of the events that led up to the O'Bannon lawsuit (with lead plaintiff Ed O'Bannon, a former UCLA basketball player) which argued to allow college players to be paid for the use of their name, images, and likeness in video games. This case attempted to overturn the NCAA's requirement that for any athlete to play a collegiate sport, they had to sign over the rights to their image. This was a historic court case in multiple ways, which one of the lead lawyers on the case described as, "We opened the door, whoever comes next can charge through it" (p. 279).

Although the book was very informative, it jumps around from chapter to chapter, at times seeming to go off on tangents about people's personal lives. The authors mainly give one side of the argument from critics of the NCAA, which is not surprising considering they both have written columns and op-eds critiquing the NCAA prior to writing the book. They state what should be done for athletes, but do not give a clear-cut plan on how those things should be done. This book would be a good fit for courses in sport ethics, sport law, and sport governance, especially used in tandem with materials or books which provide the counter arguments.