



## One small step toward giant reform

[Mark Whicker Staff Columnist](#)

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Kain Colter has hundreds of college athletes in his cheering section, along with one proud uncle.

"He's smart and he's not afraid to take a stand," said Cleveland Colter on Tuesday.

**Kain is the Northwestern quarterback, now graduated, who told a National Labor Relations Board in Chicago that college athletes are employees and should have the right to unionize.**

Cleveland is the USC safety from the late 1980s who runs a catering company that provides food for Phoenix schools.

He also has trouble playing basketball, running or doing much of anything, thanks to a torn ACL during his junior year at USC.

"And for some reason it hurts more in October than any other time," he said, laughing. "Maybe that's because that's the month when it happened.

"I had a partial tear and decided to let it heal on its own. Then I got the operation in '93. In between I was in San Francisco's camp and Houston's, but I couldn't pass the physical. In my mind there was no way I wouldn't be in the NFL. In any event, things need to change."

Colter did not get the operation because he couldn't handle the thought of anesthesia. When he was 3, his father died in a dentist's chair because of a bad reaction.

Nevertheless, he thinks college players should access their own doctors and surgeons and rehab people, and he thinks the college athletic programs should pay for it.

That is only one of the issues pushed by Kain Colter and the CAPA (College Athletes Players Association).

You're familiar with the basics.

College players, particularly in football and basketball, are denied access to significant education. Even at Northwestern, Colter said, he was dissuaded from taking chemistry as a freshman.

North Carolina's African and Afro-American Studies Department conducted several classes that never existed, but produced acceptable grades for its students, mostly football players. The chairman of the department is under criminal indictment.

A Sports Illustrated investigation of Oklahoma State revealed that players got cash for their good play but were kicked off the team and out of school for poor play or bad health.

And throughout the sport, replica jerseys are sold without one penny trickling down to the players who wear them, an injustice not lost on Johnny Manziel or anybody else.

A 2011 study conducted by CAPA and Drexel University calculated that Division I men's basketball players and FBS football players who receive full scholarships had an average of \$3,222 in out-of-pocket expenses.

That would not be a problem for the 17 FBS coaches who earned \$3 million from their schools in 2013.

Northwestern paid its coach, Pat Fitzgerald, \$2.2 million. At least he is still coaching. Mack Brown will get \$2.7 million in 2014 for not coaching Texas, along with a \$500,000 "special assistant" job.

Football is not seasonal anymore. Colter said the Wildcats worked 40-50 hours a week during the season, up to 60 during August training camp.

Even players' tweets were subject to review, he said.

"You have to sacrifice either football or academics," Colter told the NLRB. "You're not allowed to sacrifice football."

The complaint is not specifically with Northwestern, though, and there is no talk of mass demonstration or wildcat, or Wildcat, strikes.

The reforms the players want are relatively simple and will not starve the fatted calf that is college athletics.

At issue is whether they are "employees."

**Catherine Fisk, law professor at UC Irvine, observes that the NLRB has allowed students who work as medical aides to call themselves employees. It hasn't done the same with graduate students who teach classes.**

**Since most football players will not go on to pursue professions in football, Fisk says one can "arguably" call**

them employees.

However, there is a major kink in this process, one that makes it difficult to envision collective bargaining in Cleveland Colter's or even Kain Colter's lifetime.

Fisk points out that the NLRB serves Northwestern because it is a private university. But public universities are governed by their state labor boards.

That would be a problem in Southern states that love football and disdain unions with equal passion.

In Alabama and North Carolina, collective bargaining between the government and its workers is prohibited. Other Southern states allow bargaining with very limited groups.

It's difficult to see Alabama legislators welcoming football players to the bargaining table.

Not unless private schools, or schools in more labor-friendly states like California, use better working conditions as an extra benefit in recruiting.

And perhaps that advantage would be the thing that convinces the NCAA to acknowledge the dawn of the 21st century and sit down with CAPA.

It never would consider doing so unless Kain Colter, like his uncle, had braved the risk of standing up.

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