

Relations industrielles / Industrial Relations



***Hard Labor: The Battle that Birthed the Billion-Dollar NBA*, By Sam Smith (2017) Chicago, Triumph Books, 351 pages. ISBN: 978-1-62937-278-5**

Braham Dabscheck

Volume 73, numéro 4, automne 2018

URI : <https://id.erudit.org/iderudit/1056986ar>

DOI : <https://doi.org/10.7202/1056986ar>

[Aller au sommaire du numéro](#)

Éditeur(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (imprimé)

1703-8138 (numérique)

[Découvrir la revue](#)

Citer ce compte rendu

Dabscheck, B. (2018). Compte rendu de [*Hard Labor: The Battle that Birthed the Billion-Dollar NBA*, By Sam Smith (2017) Chicago, Triumph Books, 351 pages. ISBN: 978-1-62937-278-5]. *Relations industrielles / Industrial Relations*, 73(4), 890–892. <https://doi.org/10.7202/1056986ar>

Tous droits réservés © Département des relations industrielles de l'Université Laval, 2019

Ce document est protégé par la loi sur le droit d'auteur. L'utilisation des services d'Érudit (y compris la reproduction) est assujettie à sa politique d'utilisation que vous pouvez consulter en ligne.

<https://apropos.erudit.org/fr/usagers/politique-dutilisation/>

érudit

Cet article est diffusé et préservé par Érudit.

Érudit est un consortium interuniversitaire sans but lucratif composé de l'Université de Montréal, l'Université Laval et l'Université du Québec à Montréal. Il a pour mission la promotion et la valorisation de la recherche.

<https://www.erudit.org/fr/>

une certaine résilience des territoires sont à l'origine de ces deux scénarios possibles pour la région de Naples. Enfin, au chapitre 12, l'auteur présente l'abandon d'une industrie de Marseille par la classe entrepreneuriale parce que la tendance à la désindustrialisation est apparue irréversible.

Les travaux d'analyse comparée présentés dans ce volume font ressortir le caractère multiforme des stratégies des acteurs et des ressources des territoires qui peuvent mener à des trajectoires de désindustrialisation profondément différentes, ce qui rend la comparaison historique et analytique d'autant plus intéressante. Les auteurs insistent sur le rôle des acteurs sociaux dans la trajectoire de désindustrialisation et la mise en œuvre de politiques publiques. Cet ouvrage collectif atteint son objectif de fournir au lecteur des pistes de réflexion au sujet de la désindustrialisation qui ne serait pas nécessairement une fatalité, mais plutôt un processus graduel. La principale limite du livre est l'ordre des chapitres qui sont présentés sans tenir compte des niveaux socio-économiques macro, méso, et micro. Il aurait été intéressant de placer les chapitres en ordre décroissant: d'abord, le macro, ensuite, le méso et, enfin, le micro. Il n'en demeure pas moins que ce livre se révèle particulièrement stimulant, non seulement pour les historiens, mais, aussi, pour les chercheurs en relations industrielles et les décideurs politiques.

Yves Blanchet

Ph D, École de relations industrielles
Université de Montréal

Hard Labor: The Battle that Birthed the Billion-Dollar NBA

By Sam Smith (2017) Chicago, Triumph Books, 351 pages.

ISBN: 978-1-62937-278-5.

Professional team sports need to co-operate for teams to play against each other to derive income in what are known as league competitions. By definition, such leagues operate as cartels or monopolies.

Economic theory and public policy abhor cartels/monopolies because they are inefficient/waste resources and provide rents for insiders. They pass on problems they experience to consumers in the form of higher prices, or inferior products, or to their workforce and suppliers in lower payments, or not paying them at all, are 'lazy' and antipathetic to change and innovation. Economics postulates that breaking up cartels, making them more competitive, will enhance economic welfare; it will provide a better product for consumers, increases in production and income.

How does one go about taking on and breaking up a cartel? This is a problem, which has confronted the players of professional team sports across the globe. They have been subject to a variety of labour market rules, which have restricted their economic freedom and income earning ability. In American basketball, for example, the two major rules historically utilised were the draft and option or reserve clause. The draft precluded players from negotiating with clubs for their services when they were first employed; clubs selected (drafted) players in turn. Players, once selected, signed a contract, which contained an option clause, which could be exercised by the club to employ the player for an extra year, thereby 'reserving' their ability to employ the player in perpetuity. These 'rules' denied players the ability to test the market and obtain employment with other clubs. There were also rules that said that clubs could not draft players from college/university until they had completed college, denying younger players the ability to obtain income.

Leading players of the 1960s and 1970s were dissatisfied with their lot and turned to collective action to take on the basketball establishment. They saw themselves as pioneers who would improve the income and welfare of players to come. Sam Smith's focus is on the players associated with the *Robertson litigation*¹, which sought to block a merger between the National Basket-

ball Association (NBA) and the American Basketball Association (ABA) as a breach of the *Sherman Antitrust Act 1890*. The ABA commenced operations in 1967. This rival league provided both additional employment opportunities for players and a source of leverage in contract negotiations with NBA clubs. A merger between the two leagues would reduce such leverage.

This period in basketball's history is also complicated by the issue of race; but then again race is and always has been an issue in any aspect of American history! The period after World War II was associated with the emergence of black or African American players. Colleges in the South slowly began to overcome their reluctance to recruit talented African American school-boy players. As African Americans worked their way into the game, clubs operated unofficial quotas on how many they would recruit, would start a game or be on the court at one time. Some clubs experienced problems with white players 'accepting' African Americans, with the 'smart' clubs who 'simply' choose players on the basis of talent being the most successful. This was a period of racial slurs, African American players being denied access to hotels, restaurants and experiencing problems with obtaining housing in white neighbourhoods and so on. Smith refers to an incident where Celtic players were given 'keys to the city' by the Mayor of Marion, Indiana which they returned when African American members of the team were denied entry to a local restaurant (p. 56).

Sam Smith was a child/teenager in the 1960s and spent much of his youth at Madison Square Garden watching the various litigants and other great players of that era. He was enthralled with their talents, of how they transformed the game with their dash and daring, and has spent the rest of his life as a basketball journalist. What is distinctive about these players is how they came from families wracked by poverty or were the children of migrants escaping from the perils

associated with World War II. For them, basketball was an escape from the ghetto.

Hard Labor does not follow a neat time line narrative of events, nor is it organized thematically. As he examines the role of the various litigants and other major figures in their orbit the narrative goes backwards and forwards in time as it unpacks various aspects of basketball's journey in America. In doing so he takes readers into basketball's inner workings and its ramshackle history as it sought to establish itself as a Major League sport.

Players formed the National Basketball Players' Association (NBPA) in 1954. For the next decade it was little more than a bug which the NBA spent little time swatting away. In 1957, a possible merger with the American Guild of Variety Artists resulted in the NBA agreeing to a grievance procedure to resolve player disputes, abolish arbitrary fines 'imposed' by umpires during games and an increase in *per diem* payments from \$5 to \$7; remember players spent large parts of the season on the road. In 1964, players threatened to not play in an All Star game, which was to be televised for the first time, in obtaining increases to pension/retirement payments. Smith maintains this threat, which was only resolved at the last minute, constitutes the first example of successful collective action by players in American sport. It predates what happened in baseball after Marvin Miller assumed the leadership of Major League Baseball Players' Association in 1966 and transformed Major League Baseball.²

In 1967, the NMA and NPBA entered into a collective bargaining agreement which established a minimum salary for rookies (first year players) of \$10,000, increases to pensions and reductions in the playing schedule.³ In 1970, the *Robertson* litigation commenced attacking the draft and the option/reserve system in an attempt to block the merger of the NBA and ABA. In 1971, the United States Supreme Court found that the rule restricting college players from being

drafted was in violation of the *Sherman Anti-trust Act 1890*.⁴ The NBA subsequently introduced a rule enabling players who had spent one year in college entry into the NBA.

Following a positive ruling for the litigants in *Robertson* in 1975, the parties negotiated a settlement. The merger between the NBA and ABA proceeded with the NBPA agreeing to delay the granting of free agency for five years, with 'compensation' to be paid for players who changed clubs during this period, with the level of such compensation being overseen by a court.

Since this settlement, the NBA, despite some hiccups along the way in the form of lengthy lockouts,⁵ has grown in leaps and bounds. In 2014, the NBA negotiated a ten year broadcasting deal worth \$24 billion.⁶ For the 1967-1968 season, Staudohar estimated that the average NBA salary was \$20,000.⁷ The minimum was \$10,000 (see above). By the 2017-2018 season, the average salary had jumped to \$7.1 million⁸ and the minimum to \$816,000.⁹ A constant theme that pervades *Hard Labor* is that current players, with their multimillion dollar salaries have no knowledge or appreciation of the sacrifices of players in the past. This has been partially rectified with the 2017 *Collective Bargaining Agreement* increasing pension, health and welfare benefits of past players.¹⁰

The major strength of Smith's account is how he recreates basketball off, on, and in the courts in this period of fundamental transformation. His is a "warts and all" account of the larger than life players, owners, managers and others that strutted their stuff across the firmament that is basketball. Smith says of Oscar Robertson that, when he and his fellow players commenced their litigation, "ownership was absent, management erratic, working conditions substandard" (p. 308). By taking on and defeating owners, by breaking down the cartel/monopoly that was basketball, players forced the owners to be innovative, to work out how to successfully manage and operate a 'professional'

league, search for and employ the best players, manage issues of race which have so dogged America, and turn the above observation on its head in transforming the National Basketball Association into the multi-billion dollar business that it is today.

Braham Dabscheck

Senior Fellow
Melbourne Law School
University of Melbourne
Australia

Notes

- 1 *Robertson v National Basketball Association*, 389 F. Supp. 867 (1975); *Robertson v National Basketball Association*, 72 F.R.D. 64 S.D. N.Y. (1976); *Robertson v National Basketball Association*, 556 F. 2d 682 (2nd Cir. 1977); *Robertson v National Basketball Association*, 622 F 2d 34 (1980).
- 2 M. Miller (1991) *A Whole Different Ball Game: The Sport and Business of Baseball*, New York, Birch Lane Press; C. P. Korr (2002), *The End of Baseball as We Knew it: The Players Union, 1960-81*, Urbana and Chicago, University of Illinois Press; R. F. Burk (2015) *Marvin Miller: Baseball Revolutionary*, Urbana, Chicago and Springfield: University of Illinois Press.
- 3 M. Schiavone (2105) *Sports and Labor in the United States*, Albany: State University of New York Press, p. 95.
- 4 *Haywood v National Basketball Association*, 401 US 1204 (1971).
- 5 Schiavone (2015) *Sports and Labor...*, p. 89-124.
- 6 CBC Sports (2014) "NBA TV Deal: How the New \$24B Contract Stacks up against other Leagues", 8 October.
- 7 P. D. Staudohar (1986) *The Sports Industry and Collective Bargaining*, Ithaca, New York: ILR Press, p. 106.
- 8 C. Gaines and S. Lee (2017) "NBA Players Have the Highest Salaries in the World, but the NFL Spends the Most on Players", *Business Insider*, Australia, 28 November.
- 9 L. Adams (2017) "NBA Minimum Salaries for 2017/18", *HOOPSRUMORS*, 26 June.
- 10 National Basketball Association-National Basketball Players' Association (2017) *Collective Bargaining Agreement, 2017*, p. 67-99.