

Missy Franklin, Digital Labor, and the Amateur Athlete

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My entry point into this panel's topic emerges from a conversation I had with the documentary filmmaker Christo Brock about *Touch the Wall*, his 2010 film about Missy Franklin and her journey towards international Olympic stardom.

You might remember Missy Franklin from the 2012 Olympic games in London where the 17-year old swimming sensation won five medals – four of them gold – and set three American and two world records. You may also remember Franklin from her star-making turn in a [video](#) that went viral during the games, where she, and the other members of USA Swimming's National team lip synched to Carly Rae Jepsen's summer pop hit "Call Me Maybe." Her performances – both in the pool and on the screen – made her a media darling, and Franklin exited the games as one of the most recognizable, likeable, and marketable faces of not just USA Swimming, but American athletics.

Rather than capitalize on this success, however – and experts speculated that she could have secured endorsement deals worth somewhere in the ballpark of \$1-2 million – Franklin decided to forgo the spoils of a professional swimming career, maintain her amateur status, and swim for her college team. She swam for the Cal Berkeley Bears for 2 years, leading her team to an NCAA title in 2014, before announcing her decision to turn pro in preparation for the 2016 Olympic games in Rio.

Touch the Wall premiered in the fall of 2014, six months after Franklin's retirement from collegiate swimming, in her hometown of Denver at the *Starz* Film Festival, where it played to a packed house of more than 2000 fans and pretty good reviews. Which finally brings me back to the conversation that prompted my initial inquiry. Two days after the film's premiere, Franklin's mother DA (who managed her Facebook page at the time) posted this to her wall:

Thank you for all your wonderful comments. There are many questions about how and where to see the film and about the distribution. NCAA regulations do not allow Missy or her parents to answer these questions. Please go to www.touchthewall.com/home to get more information about the film.

I was so intrigued by this post that I reached out to the filmmaker for clarification. Why could Missy attend the premiere, do press at the appearance, post images to her various social media accounts, but not answer direct questions from fans about the film? What was the line in the sand here? And who was drawing it? The Franklins? Berkeley? The NCAA?

One fundamental component of the NCAA principle of amateurism is that college student athletes should be protected from exploitation by professional and commercial enterprises. Under this rule, college student-athletes' names and images may only be used to promote their university teams and their games – [meets, if we're talking swimming]. Student athletes cannot accept payment, nor can they give permission for the use of their name or image by a third party to promote a commercial product or service.

And yet, inconceivably, Missy's was the central image in all of *Touch the Wall's* branding – from its poster, to the DVD cover, to the website. When *Touch the Wall* launched a Kickstarter campaign to raise necessary finishing funds, Missy Franklin-autographed merchandise became part of the tiered reward system. When asked for comment by media outlets, Missy was always a vocal supporter of the film. However, Cal strictly limited her public appearance at screenings of the film. And, even after she went pro, Cal continued to limit her involvement with the film, citing fears about retroactive punishment from the NCAA and the potential loss of the team's 2014 NCAA title should she become more hands-on in the film's marketing and distribution.

So, if, as her Facebook page states, NCAA regulations do not allow Missy to answer questions about *Touch the Wall*, what exactly do NCAA regulations allow when it comes to the representation, marketing and distribution of one's own image? When does personal expression – especially that which relates to social media communication – cross the line into promotion, publicity, or commercialism? To what extent do the NCAA's rules related to amateurism, ostensibly designed to protect the student athlete from exploitation, actually limit the athlete's right of self-publicity?

I'd like to suggest that when she was a college athlete, Missy Franklin's involvement with *Touch the Wall* – a documentary film in which she stars, promotes, and for which helped fundraise – troubles the strict NCAA provisions that govern an athlete's amateur status. Franklin's involvement with the film – especially once she'd begun to matriculate at Berkeley – becomes a test case: both for what counts as labor in the digital economy, and also for where college athletics (and concomitantly the NCAA) arbitrarily draws the line between branding and commercialism, between marketing and self-expression.

