

Fall 2004

Raising a Red Card: Why Freddy Adu Should Not Be Allowed to Play Professional Soccer

Jenna Merten

Follow this and additional works at: <https://scholarship.law.marquette.edu/sportslaw>



Part of the [Entertainment, Arts, and Sports Law Commons](#)

Repository Citation

Jenna Merten, *Raising a Red Card: Why Freddy Adu Should Not Be Allowed to Play Professional Soccer*, 15 Marq. Sports L. Rev. 205 (2004)

Available at: <https://scholarship.law.marquette.edu/sportslaw/vol15/iss1/12>

This Comment is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. For more information, please contact elana.olson@marquette.edu.

COMMENTS

RAISING A RED CARD: WHY FREDDY ADU SHOULD NOT BE ALLOWED TO PLAY PROFESSIONAL SOCCER

INTRODUCTION

"If we don't stand up for children, then we don't stand for much."¹

The United States is a nation that treasures its children.² Recognizing children's vulnerability, the United States has enacted many laws to protect them. For example, federal and state laws allow children to disaffirm contracts, protect children's sexual health and development through statutory rape laws, prevent children from viewing overtly sexual and violent movies and television shows, require children to follow many restrictions to obtain a driver's license, and prohibit children from using tobacco and alcohol.³

Additionally, the government protects children's labor and employment. Realizing the increase in the number of child laborers during the Industrial Revolution and the poor working conditions and health problems child laborers suffered, Congress enacted the Fair Labor Standards Act (FLSA) in 1938.⁴ Through the FLSA, Congress aimed to protect children's health and well-being by preventing them from employment itself and limiting the hours of employment and types of employment children may obtain.⁵ In the years after it became law, the FLSA was successful in eradicating the most

1. Marian Wright Edelman, *Children Quotes*, WISDOMQUOTES.COM, at http://www.wisdomquotes.com/cat_children.html (last visited Oct. 15, 2004).

2. See, e.g., THE FOUNDATION FOR CHILD DEVELOPMENT, INDEX OF CHILD WELL-BEING (CWI), 1975-2002, WITH PROJECTIONS FOR 2003 (2004), available at <http://www.brookings.edu/comm/events/20040324index.pdf> (last visited Oct. 16, 2004); Press Release, *National Child's Day, 2003*, WHITEHOUSE.GOV, May 31, 2003, at <http://www.whitehouse.gov/news/releases/2003/05/20030531-4.html> (last visited Nov. 16, 2004); Sy Moskowitz, *American Youth in the Workplace: Legal Aberration, Failed Social Policy*, 67 ALB. L. REV. 1071, 1092 n. 136 (2004) (citing the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 (2002)).

3. Moskowitz, *supra* note 2, at 1082-84.

4. Marie A. Failing, "Too Cheap Work for Anybody but Us": Toward a Theory and Practice of Good Child Labor, 35 RUTGERS L.J. 1035, 1037 (2004).

5. *Id.*

egregious forms of oppressive child labor.⁶

In recent years, however, the government has been unable to effectively enforce the FLSA due to a sharp increase in the number of children who have obtained jobs. While only 4% of sixteen-year-old males were employed in 1940, 44% were employed in 1980.⁷ In 2001, the Government Accounting Office reported that 30% of children aged fifteen to seventeen were employed.⁸ Unfortunately, as the amount of child employment has increased, so has the amount of child labor violations.⁹ Although the violations are not as egregious as when children were employed in sweatshops, the violations still are serious and amount to child labor law violations because they affect children's health and well-being.¹⁰ In 1995, the National Institute for Occupational Health Safety and Health estimated that 200,000 child workers were injured on the job, with some of them being injured permanently.¹¹

This cultural shift in child employment has also been evident in professional sports as more child athletes are entering the professional ranks. In the past year-and-a-half, in individual sports, Americans have seen then thirteen-year-old Michelle Wie enter the Ladies Professional Golf Association's (LPGA) Kraft Nabisco Championship¹² and then fifteen-year-old Carly Patterson, who won the gold medal in the all-around gymnastic competition at the Athens Olympics, turn professional after finishing second in the 2003 world championships.¹³ Additionally, in team sports, in 2003, then fourteen-year-old Freddy Adu signed a six-year, \$3 million professional soccer contract with Major League Soccer's D.C. United and began play in the spring of 2004.¹⁴ Besides being the youngest Major League Soccer (MLS) player in history,¹⁵ Adu's signing made him the youngest professional athlete in over 100 years of American team sports.¹⁶

6. *Id.* at 1036-37.

7. *Id.* at 1040.

8. *Id.* at 1039.

9. *Id.* at 1042-45.

10. *Id.*

11. *Id.* at 1044.

12. Ed Sherman, *No Boundaries in Wie's World*, CHI. TRIB., Jan. 11, 2004, at C10.

13. Greg Boeck, *Patterson's Time Is Now*, USA TODAY, June 1, 2004, available at http://www.usatoday.com/sports/olympics/athens/gymnastics/2004-06-01-patterson-gymnastics_x.htm (last visited Nov. 16, 2004).

14. Curt Brown, *Freddy's Big Break, or a Mistake?: Minnesota's Soccer Faithful Weigh in on Freddy Adu's Prospects in the Pros. The Phenom Is Only 14 Years Old*, STAR-TRIB. (Minneapolis-St. Paul), Nov. 22, 2003, at A1.

15. Jack Bell, *A Budding Gold Nugget Signs Freddy Adu, 14-year-old from Ghana, to Play in Major League's Soccer*, N.Y. TIMES, Nov. 20, 2003, at 16.

16. *Id.*

With more child athletes being employed and more child athletes desiring to join them, the potential exists for their health and well-being to suffer, just like other American child employees. Child athletes face intense physical and psychological demands. They often train for numerous hours per week, and in Adu's case, play contact sports against adult athletes. With Americans having a rabid interest in sports, these children also face heightened psychological pressures from fans, the media, the team, teammates, and themselves. Americans, athletes, sports fans, and parents should be concerned about the effects employment and its accompanying physical and psychological demands have on these child athletes' health and well-being. Just as the government should step up its enforcement of child labor violations in general employment, it should also enforce child labor violations in professional sports by preventing child athletes from playing until they are eighteen or encouraging the sports leagues to enact a minimum age requirement that forbids athletes from playing until they are eighteen.

This comment will examine the physical and psychological effects of employment on child athletes and potential remedies to prevent child athletes from suffering these harmful effects to their health and well-being. It will focus on Adu because he is the first American child athlete to professionally play a team sport and faces the greatest risks. First, a brief overview of American child labor laws will be given. Next, the physical consequences and psychological consequences of athletic competition for child athletes will be described. Then, Adu's background will be discussed, as well as how his situation amounts to a child labor violation due to the physical and psychological consequences he faces as a professional soccer player. Last, potential remedies to protect child athletes like Adu through governmental enforcement of the child labor laws and a minimum age requirement of eighteen will be analyzed.

CHILD LABOR

Section 212 of the FLSA states that "no employer shall employ any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce."¹⁷ Oppressive child labor is defined as "a condition of

17. § 212(c). Commerce is defined as "trade commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof." 29 U.S.C. § 203(b) (2004). Goods include tangible items such as good, clothing and publications, but also includes intangible items such as news, ideas, and intelligence. See Allen J. Schwartz, *Annotation; Validity, Construction, Application, and Effect of Child Labor Provisions of Fair Labor Standards Act (29 U.S.C.A. § 212 and Related Sections)*, 21 A.L.R. FED. 391, 428 (1974).

employment under which (1) any employee under the age of 16 years is employed by an employer . . . in any occupation."¹⁸ However, a child age fourteen to sixteen employed "in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if . . . the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being."¹⁹ If children age fourteen to fifteen can be employed, several conditions must be present for them to continue their employment.²⁰ They cannot work between the time of 7 p.m. to 7 a.m. during the school year or 9 p.m. to 7 a.m. during the summer; they cannot work more than three hours a day or eighteen hours per week when school is in session; and they cannot work more than eight hours a day or more than forty hours per week when school is not in session.²¹

Courts have taken great strides to protect children from oppressive labor conditions.²² In *Mitchell v. Munier*,²³ the court stated that the rationale of the child labor provisions was to eliminate child labor, not merely regulate it.²⁴ Furthermore, in *United States v. Darby*,²⁵ the United States Supreme Court held that Congress had the power to prohibit products of child labor from interstate commerce.²⁶ Other cases have held that a child under age sixteen cannot be employed as a janitor because the job was oppressive child labor, and that a fourteen to sixteen-year-old grocery store bag boy's working more than eighteen hours per week while school was in session and more than eight hours per day while school was not in session was oppressive child labor.²⁷

While no specific exemption exists for child professional athletes, some states have enacted laws regarding this type of employment.²⁸ For example, Washington D.C.'s child labor law states that any minor who wishes to participate in a professional sports activity must have his or her parent or guardian apply for a permit to the Board of Education.²⁹ To issue a permit, the

18. 29 U.S.C. § 203 (2004).

19. *Id.*

20. 29 C.F.R. § 570.119 (2004).

21. *Id.*

22. See generally Schwartz, *supra* note 17.

23. 38 CCH Lab Cas ¶ 65781 (D.C. Cal. 1958).

24. Schwartz, *supra* note 17, at 407.

25. 312 U.S. 100 (1941).

26. Schwartz, *supra* note 17, at 407.

27. *Id.* at 413.

28. See Erica Siegel, Note, *When Parental Interference Goes Too Far: The Need for Adequate Protection of Child Entertainers and Athletes*, 18 CARDOZO ARTS & ENT. L.J. 427, 431 (2000).

29. D.C. CODE ANN. § 32-206 (2004).

Board requires that the minors have adequate provisions in education, safeguards for their health, and proper supervision.³⁰ In some cases, the Board may require the employer to provide the necessary supplies to meet these requirements.³¹ Furthermore, the statute states that minors may not work in two live performances during one day or more than eight live performances a week and that minors may not work between 11:30 p.m. and 7:00 a.m.³²

PHYSICAL CHARACTERISTICS OF CHILD ATHLETES AND THE POTENTIAL FOR INJURIES

Child athletes are particularly vulnerable to injuries.³³ Statistically, "the incidence and severity of injuries increase with age, level of play, and frequency of competition up to tenfold in high school players."³⁴ In general, boys tend to injure themselves more than girls.³⁵ Boys also tend to injure themselves more severely due to their tendency to be more aggressive.³⁶

While children and adults can suffer many similar injuries, including sprains, strains, and contusions, as well as long bone fractures of their arms and legs,³⁷ children can also suffer four special types of injuries from musculoskeletal trauma: (1) growth plate injuries; (2) injuries to the ends of the bones; (3) major muscle-tendons being pulled away from the bone; and (4) overuse injuries of bones, cartilage, or muscle-tendon structures of the upper arms and lower legs, particularly stress fractures.³⁸ With this growing cartilage tissue being softer than adult cartilage and bone, the tissue is more likely to be injured.³⁹ This damage can be particularly worrisome because injuries affecting bone and soft tissues may harm the growth mechanisms and cause permanent damage.⁴⁰ Furthermore, children fracture their bones more often.⁴¹ As bones become more rigid and their resistance to contact lessens, they may bow or buckle when faced with too much pressure.⁴² Additionally,

30. *Id.*

31. *Id.*

32. *Id.*

33. SPORTS INJURIES SOURCEBOOK 223 (Heather E. Aldred ed., 1999).

34. THE U.S. SOCCER SPORTS MEDICINE BOOK 414 (William E. Garrett, Jr. et al. eds., 1996).

35. SPORTS MEDICINE FOR SPECIFIC AGES AND ABILITIES 4 (Nicola Maffulli et al. eds., 1996).

36. *Id.*

37. SPORTS INJURIES SOURCEBOOK, *supra* note 33, at 223.

38. *Id.*

39. *Id.*

40. SPORTS MEDICINE FOR SPECIFIC AGES AND ABILITIES, *supra* note 35, at 4.

41. THE U.S. SOCCER SPORTS MEDICINE BOOK, *supra* note 34, at 417.

42. SPORTS MEDICINE FOR SPECIFIC AGES AND ABILITIES, *supra* note 35, at 4.

excessive strain can affect their joints.⁴³

These types of injuries have ended the careers of some athletes who began playing professionally as children. Two commonly cited examples are former tennis players Tracy Austin and Andrea Jaeger, who both suffered injuries and burnout from playing at a high level at such a young age.⁴⁴ Austin, who began playing professionally at fourteen, won Wimbledon and the U.S. Open before back pain and shoulder injuries forced her to retire at twenty.⁴⁵ Jaeger, who also became a professional at fourteen, was ranked as the second-best female tennis player in the world before she suffered a career-ending shoulder injury at nineteen.⁴⁶

The type of sport the child is playing also contributes to injuries. For example, soccer is very physically demanding.⁴⁷ Players must constantly transition between offense and defense.⁴⁸ The game involves a great deal of running, as well as the skills of accurately stopping, controlling, and passing the ball.⁴⁹ Although soccer has a moderate frequency of injury, the game is classified as a contact sport, due to player moves such as slide tackling.⁵⁰ In contact sports, like soccer, growth plate injuries are a cause for concern.⁵¹ This risk of injury may be increasing because young players are now training harder and playing more intensely.⁵² For soccer in particular, a soccer club director noted that he had seen the number of overuse injuries increase in young soccer players because of the high number of matches played.⁵³ The amount of injuries also depends on the player's position. A forward is more likely to be injured than a defender.⁵⁴ Moreover, certain plays in soccer can lead to long-term damage.⁵⁵ Research has shown that soccer players are at a

43. *Id.*

44. Ed Moore, *Teen-age Meal Tickets in Tennis Are Missing Their Youth*, BUFF. NEWS, Nov. 19, 1994, at 2.

45. *Austin, Tracy*, HICKOKSPORTS.COM, at <http://www.hickoksports.com/biograph/austintr.shtml> (last visited Oct. 17, 2004).

46. *Andrea Jaeger*, WIKIPEDIA.ORG, at http://en.wikipedia.org/wiki/Andrea_Jaeger (last visited Oct. 17, 2004).

47. ADIL E. SHAMOO ET AL., SPORTS MEDICINE FOR COACHES AND ATHLETES—SOCCER 23 (1995).

48. *Id.*

49. *Id.* at 24.

50. *Id.* at 34.

51. *Id.*

52. SPORTS INJURIES SOURCEBOOK, *supra* note 33, at 223.

53. Margaret Harris, *'Burnout' Kids Risk Handicap*, SUN HERALD (Sydney), Dec. 6, 1987, at 30.

54. THE U.S. SOCCER SPORTS MEDICINE BOOK, *supra* note 34, at 414.

55. See Lori Duffy, *Counselor Asks Serious Questions About Athletes' Health, Safety*, POST-STANDARD (Syracuse), Jan. 10, 1990, at 2.

greater danger for head injuries and brain damage because the players often use their heads to punch the ball, which sometimes may be traveling at forty to fifty miles per hour.⁵⁶

PSYCHOLOGICAL CHARACTERISTICS OF CHILD ATHLETES AND THE POTENTIAL FOR INJURIES

Besides affecting a child athlete's physical health, sports can affect a child athlete's psychological health. Highly-intensive training sessions that athletes must participate in to hone their skills cannot be justified physiologically, psychologically, or educationally and often cause players to burnout and/or quit the sport.⁵⁷ Studies have shown that even if a child athlete endures years of rigorous training sessions and has success at the Olympic or professional levels, the athlete may face lifelong physical and psychological damages from the intense training.⁵⁸ While sports can encourage children's motor skills, physical skills, and social growth, intensive training sessions may result in social isolation, disempowerment, and permanent injuries.⁵⁹ One doctor even characterized the intensive training practices of young athletes as "battered-child-athlete syndrome."⁶⁰ One example the doctor found of this syndrome was the high prevalence of shoulder tendinitis in elite child swimmers who trained for hours every day.⁶¹ Two doctors even characterized injuries resulting from intensive training as a form of "socially approved athletic child abuse."⁶² For these reasons, the American Academy of Pediatrics recommended that children under age fourteen should not participate in organized competitive athletics.⁶³

Because of their superior skills, elite child athletes have high expectations placed upon them. These high expectations coming from premature sports participation may lead to undesirable emotional consequences for the child athletes.⁶⁴ If expectations are too high, the child may experience frustration, discouragement, and low self-esteem.⁶⁵ Additionally, the athlete also puts

56. *Id.*

57. SPORTS INJURIES SOURCEBOOK, *supra* note 33, at 210.

58. *Id.*

59. *Id.*

60. Patricia McCormack, *Battered-child-athlete Syndrome*, UNITED PRESS INT'L, Nov. 28, 1980, LEXIS.

61. *Id.*

62. *Id.*

63. SPORTS INJURIES SOURCEBOOK, *supra* note 33, at 222-23.

64. *Id.* at 216.

65. *Id.*

pressure on himself or herself. "For example, a young athlete obsessed with perfectionism may experience a great deal of stress, without any reference to an opponent, purely as a consequence of his or her expectations of self."⁶⁶ The athlete's perception can also be influenced by past performance or anticipation of future performance.⁶⁷ An imbalance between the skills of athletes can also cause stress.⁶⁸ For instance, if a back-up soccer goalkeeper has to compete against the opponent's leading goal scorer, the goalkeeper will undoubtedly feel some stress which may lead to high levels of nervousness or anxiety.⁶⁹

As a result of these psychological stresses, many elite child athletes suffer from burnout, withdrawal from sports, reduced performance, reduced enjoyment, and health-threatening effects such as loss of sleep and appetite.⁷⁰ For example, Gabe Eastman, another young soccer phenom who seemingly was destined to take the United States soccer world by storm, suffered soccer burnout at twenty-three.⁷¹ After speeding through the soccer developmental ranks as a teenager, Eastman suffered some injuries, quickly grew tired of the MLS lifestyle, and decided to retire.⁷² "The game demands a lot. It takes a lot out of you It's not all it's cracked up to be," Eastman said of his time in MLS.⁷³ Another example is Jennifer Capriati, who began playing professional tennis at thirteen.⁷⁴ After experiencing a great deal of success on the professional tour and winning an Olympic gold medal, she quit tennis at seventeen because of mental burnout and physical injury.⁷⁵ Shortly after quitting, she was arrested on separate occasions for drug use and shoplifting.⁷⁶ "Yes, I made mistakes by rebelling, by acting out in confused ways But it

66. THE CHILD AND ADOLESCENT ATHLETE 385 (Oded Bar-Or ed., 1996).

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.* at 389-90.

71. Brian Vanderbeek, *Just Kickin' It: Modesto's Gabe Eastman Has Given Up on a Career in Major League Soccer, but He Still Loves the Game and Is Happy to Be Playing for the Cruisers*, MODESTO BEE, June 11, 2000, at C1.

72. *Id.*

73. *Id.*

74. Aaron Kuriloff, *Capriati Climbs to Summit*, TIMES-PICAYUNE (New Orleans), Jan. 28, 2001, at 2.

75. Ryan Rodenberg, *Age Eligibility Rules in Women's Professional Tennis: Necessary for the Integrity, Viability, and Administration of the Game or an Unreasonable Restraint of Trade in Violation of Antitrust Law?*, 7 SPORTS LAW J. 183, 184-85 (Spring 2000). A few years later, Capriati managed to overcome her troubles and made a successful comeback at twenty-four. WIKIPEDIA.ORG, *Jennifer Capriati*, at http://en.wikipedia.org/wiki/Jennifer_Capriati (last visited Oct. 17, 2004).

76. *Id.* at 185.

was [because] I was very young and . . . experiencing . . . adolescence Most of you know how hard it can be. When you do it in front of the world, it's even harder," Capriati said.⁷⁷

THE LIFE OF FREDDY ADU AND HIS POTENTIAL FOR PHYSICAL AND PSYCHOLOGICAL INJURIES

Freddy Adu is a very remarkable teenager and has led quite an amazing life. Born in Ghana, Adu moved to the United States when he was eight years old after his mother won a Green Card lottery.⁷⁸ When Adu was ten, Italy's Inter Milan professional soccer club offered Adu and his mother \$250,000 so that the club could "guide his career."⁷⁹ Turning down that deal and a subsequent offer of \$750,000⁸⁰ in 2002, Adu's mother instead sent her son to the IMG Sports Academy in Bradenton, Florida, to participate in the USA Under-17 National Team Residency Program.⁸¹ Through this program, forty elite teenage soccer players from around the nation live, train, and attend school at the IMG Academy.⁸² Launched in 1999, the free program has produced many professional soccer players, including fifteen MLS players.⁸³

At the IMG Academy, Adu's life focused on school and soccer.⁸⁴ Students typically begin their day with a 7:30 a.m. bus ride from their dormitories to the Edison Academic Center for accelerated classes that are designed to enable them to graduate high school a year early.⁸⁵ At 2:15 p.m., the students return

77. Kuriloff, *supra* note 74, at 2.

78. Greg Johnson, *Much Adu About Freddy: Soccer's Latest Prodigy, Just 14, Is Expected to Eventually Boost the Status of the Sport in the United States*, ST. PAUL PIONEER PRESS, July 13, 2003, at D1. Adu is now a United States citizen. *Id.*

79. Randy Harvey, *He's Just a Boy, Playing at the Men's Level*, L.A. TIMES, Oct. 12, 2003, at D5.

80. *Id.*

81. Johnson, *supra* note 78, at D1.

82. Robert Wilson, *Live, Eat, Breathe Soccer*, CLARION-LEDGER (Jackson, Miss.), Jan. 17, 2004, at 1D.

83. Jason La Canfora, *U.S. Soccer's Ultimate Goal; Youth Programs Are Developing World Class Talent*, WASH. POST, Aug. 14, 2003, at D1.

84. See Jim Young, *School Daze; U.S. Under-17 Soccer Team Gets an Education on Field and Off; Life on the Youth Soccer National Team Level Is Devoted to One Purpose – Turning Out Players Who Can Compete with World Soccer Powers. At the Residency Program, the Best Boys Soccer Players in the Country Are Immersed in Soccer, Seven Days a Week*, NEWS & RECORD (Greensboro, N.C.), Apr. 24, 2004, at C1. See also James Whitters, *Enrollment Soaring at Private Sports Academies; Tuition, Expenses Can Top \$50,000*, THE BOSTON GLOBE, May 18, 2003, at 18.

85. Young, *supra* note 84, at C1. Through this accelerated program, Adu became a high school graduate in May 2004 – a few weeks before his fifteenth birthday. *Another Feather in His Cap*, CHI. TRIB., May 22, 2004, at C2.

back to their dormitories and after changing and/or receiving treatment from a trainer, they practice from 3:30 p.m. to 6 p.m.⁸⁶ After practice, the students lift weights, spend time with a sports psychologist, receive lessons on how to deal with the media, or attend a study hall.⁸⁷ On weekends, the students play games against college programs or travel internationally to play other countries' national teams.⁸⁸ With more younger athletes hoping for success in the college ranks and professional leagues, the school has seen its enrollment number rise.⁸⁹

Although Adu has not suffered any physical injuries, has access to a sports psychologist, and seems to have a good family situation, the potential harm he faces as a professional soccer player is too great to risk. First, he is taking a significant physical risk by playing in MLS.⁹⁰ What is especially alarming is how his height and weight are disproportionate to the other players.⁹¹ One writer noticed that he appeared shorter and lighter than the 5 feet 8 and 150 pounds listed by the United States Soccer Federation (USSF).⁹² The D.C. United roster lists Adu at 5 feet 8 and 140 pounds – making him the lightest and nearly the shortest player on the team.⁹³ Similarly, very few people his size play in MLS.⁹⁴ In a league of 261 players, only four MLS players are lighter than Adu, and five players weigh the same.⁹⁵ Adu will routinely have to face opponents who are a few inches taller than him and who, on average, weigh twenty to forty pounds more than him.⁹⁶ Even his teammates doubt Adu will survive the physical battle.⁹⁷ D.C. United's Bobby Convey, who began playing professionally at sixteen, said, "Freddy knows he's not physically ready His legs, in particular, aren't developed enough or strong enough yet. When I was 16, there was no way I was even close to being ready to play

86. Young, *supra* note 84, at C1.

87. *Id.*; La Canfora, *supra* note 83, at D1.

88. Young, *supra* note 84, at C1.

89. Whitters, *supra* note 84, at 18.

90. Bell, *supra* note 15, at 16.

91. Harvey, *supra* note 79, at D5.

92. *Id.*

93. Major League Soccer, *Players*, DCUNITED.COM, at http://www.dcunited.com/index.cfm?section=team&cont_id=roster&roster_id=15 (last visited Mar. 12, 2004).

94. See Major League Soccer, *MLS Players*, MLSNET.COM, at <http://www.mlssnet.com/MLS/players/> (last visited Nov. 2, 2004).

95. *Id.*

96. *Id.*

97. See John Markon, *Adu's Debut Just Footnote to Life Story*, RICHMOND TIMES DISPATCH, Apr. 4, 2004, at C1.

90 minutes."⁹⁸

Besides trying to gain enough endurance to last through the ninety minutes, Adu will have to face opponents who will be specifically aiming to unsettle his game.⁹⁹ Many opponents, especially the ones Adu has faced while playing for the U.S. national team, have threatened to throw elbows behind the referee's back, talk trash, "get" Adu, and otherwise disrupt Adu's game.¹⁰⁰ In just his second MLS game, Adu fell victim to two hard fouls from older opponents.¹⁰¹ In another game, All-Star defender C.J. Brown of the Chicago Fire received a yellow card for a hard tackle on Adu.¹⁰² After the game, Brown stated, "Playing him at forward is going to get him hurt. Playing with his back to goal, he's not the biggest. And nobody wants to be that ESPN highlight when he scores a goal. Nobody wants to be that guy."¹⁰³ That kind of behavior led D.C. United coach, Peter Nowak, to express concern that not enough was being done to protect Adu.¹⁰⁴ "I see comments . . . that I really don't appreciate, and we have to do something about it We cannot put him in situations where he is going to be mentally saying, 'These [opponents] don't care about me' These kind of comments really scare me."¹⁰⁵

With or without opponents gunning for him, Adu is at risk psychologically. The pressure on him is enormous. With MLS trying to gain popularity in the United States, Adu has been and will be used, and most likely exploited, as the sole player to grab the nation's attention.¹⁰⁶ D.C. United has used his picture on fliers, posters, and in mailings to bolster ticket sales.¹⁰⁷ Adu's story has been told in countless magazine and newspaper articles, and in his first four months as a professional, he completed 500 interviews and made several television appearances, including segments on *The Late Show with David Letterman*, *Total Request Live*, and *60 Minutes*.¹⁰⁸ With his million-dollar endorsement contract, Nike is planning for him to star in national

98. *Id.*

99. See Ken Wright, *Rough Stuff Concerns Adu's Coach*, WASH. TIMES, Apr. 22, 2004, at C7.

100. *Id.*

101. *Id.*

102. Ken Wright, *Fading Freddy: After Six Games, Teenage Phenom Has Lost His Halo*, WASH. TIMES, May 13, 2004, at C1.

103. Wright, *supra* note 99, at C7.

104. *Id.*

105. *Id.*

106. Johnson, *supra* note 78, at D1. See also Gary Peterson, *Adu's Signing Hints of Desperation in MLS*, CONTRA COSTA TIMES, Nov. 24, 2003, available at <http://www.mercurynews.com/mld/mercurynews/sports/7332836.htm> (last visited Nov. 16, 2004).

107. Sandra McKee, *They're Banking on Adu*, BALT. SUN, Apr. 2, 2004, at 1E.

108. *Id.*

advertising campaigns, along with the Sierra Mist commercial he starred in with Pele.¹⁰⁹ He is easily recognized and often has to deal with mobs of fans everywhere he goes.¹¹⁰ For the most part, the Adu hype has been incredibly successful for MLS.¹¹¹ While other MLS teams have averaged 11,000-19,000 fans on the road, United has attracted an average of 25,000 fans on the road.¹¹² Adu's first MLS game drew the highest ratings ever for a regular-season MLS game.¹¹³

However, this hype and name recognition that has brought MLS more money will likely be very costly to Adu. Although MLS has provided a healthy environment for some players,¹¹⁴ some of the league's young athletes in the past were unprepared for the rigors and lifestyle of professional soccer.¹¹⁵ One soccer general manager stated: "When MLS takes in a young kid They don't have the nurturing process. They throw you to the wolves. [The players] don't get the warm fuzzies they need to become productive."¹¹⁶ One former soccer player, who made the Bosnian national team at sixteen, would not have a player as young as Adu play professionally.¹¹⁷ "I had the technical skills, but I was not mature enough to play with guys 20 and 30 years old Personally, I don't think this is good for Freddy. If he asked me, I recommend he wait a few years."¹¹⁸

On the field, Adu has not been successful as the hype has suggested.¹¹⁹ In his first six games, Adu often looked confused on the field, was pushed around by opponents, and generally did not have any impact on the game.¹²⁰ Adu has even admitted to feeling the pressure from these high demands.¹²¹

[t]here was a time I was tired and I wanted to get away from

109. *Id.*

110. Michelle Kaufman, *Adu Recognized, but Would Prefer Slowdown*, THE MIAMI HERALD, Apr. 20, 2004, available at LEXIS.

111. Kent McDill, *Adu Has Big Impact on MLS Attendance*, CHI. DAILY HERALD, May 11, 2004, at 5.

112. Associated Press, *Adu's Having a Blast So Far*, THE CAPITAL (Annapolis), May 19, 2004, at B5.

113. Dean Bonham & Don Hinchey, *Soccer Fans Can't Restrain Adu-lation*, ROCKY MOUNTAIN NEWS (Denver), May 8, 2004, at 6C.

114. La Canfora, *supra* note 83, at D1.

115. Vanderbeek, *supra* note 71, at C1.

116. *Id.*

117. Brown, *supra* note 14, at A1.

118. *Id.*

119. See Wright, *supra*, note 102, at C1.

120. *Id.*

121. McKee, *supra* note 107, at 1E.

everything and I wanted to just have fun and get out . . . I was sick of all this stuff (dealing with the media), but they (family, agent, coaches) told me it was a compliment to my game. As long as I keep playing well . . . I just have to deal with it.¹²²

However, dealing with the pressure may be impossible for Adu.¹²³ Flemming Graae, a child psychiatrist, stated, "I would certainly not ever expect or communicate to a 14-year-old that they're coming is as the hope for a big, important organization That could be an impossible burden. It could doom that 14-year-old."¹²⁴ Worst of all, MLS really does not have Adu's best interests at heart.¹²⁵ Once Adu starts maturing and improving his game, the league, since it holds all the rights to players, can obtain a huge transfer fee if Adu heads to Europe to one of the premier teams.¹²⁶

REMEDIES TO PREVENT PHYSICAL AND PSYCHOLOGICAL HARM TO CHILD ATHLETES

As Adu's case illustrates, the potential physical and psychological harm to child athletes is substantial. Accordingly, just as children are protected through other laws, action must be taken to limit this harm. Two solutions can be implemented to protect Adu and prevent him from playing professional soccer: enforcement of the child labor laws and/or a minimum age requirement of eighteen for MLS.

A. Enforcing the Child Labor Laws to Prevent Adu from Playing Professionally

Because MLS engages in interstate commerce, the federal Secretary of Labor has jurisdiction over MLS.¹²⁷ Furthermore, Section 212 applies to Adu. Adu is employed by D.C. United, which is placing a good – a soccer game – into commerce. With no specific exemption existing for child professional athletes, the Secretary of Labor needs to determine whether playing in MLS

122. *Id.* (second and third alterations in original).

123. See Susie Arth, *Injury Risk Reason to Say Adieu to Adu*, J. NEWS (Westchester County, N.Y.), Apr. 18, 2004, at 2C.

124. *Id.*

125. David Hannigan, *Football: Not Much Adu Leaves America Waiting: 14-year-old Prodigy Has Not Revolutionized US Soccer Just Yet*, THE GUARDIAN (London), Apr. 29, 2004, at 34.

126. *Id.*

127. Martha Mendoza, *1938 Law to Protect Working Children Has Simple Goal, Complex Execution*, at http://pangaea.org/street_children/nameri/AP2.htm (Dec. 9, 1997). Regardless of whether the state law or the federal law governs, the concerns for Adu's health would violate both laws.

will harm Adu's health and well-being. Since Adu's health and well-being clearly are in jeopardy by his playing a contact sport against older athletes and having to live in the glare of the national spotlight, the Secretary of Labor should prevent him from playing professional soccer for the following reasons.

First, exceptional child athletes often suffer job-related injuries.¹²⁸ Most of their training is done "in an environment that often nurtures a cutthroat, war-like mentality."¹²⁹ Adu is playing against opponents whose weight and muscle strength are substantially greater than his own.

Second, Adu's body is at a unique stage in life and is more susceptible to injuries, especially considering the physical disadvantages he faces as the youngest player in the league.

Third, dealing with the trappings of stardom and a national audience is psychologically challenging for a child. Too many child stars have buckled under the pressure that comes from being under a national spotlight with so many expectations. At Adu's young age, MLS expects Adu to transform professional American soccer into more of a mainstream sport. No child should have to carry that burden.

Fourth, MLS is robbing Adu of a childhood. Although he will be practicing only a few hours a week and playing one game a week,¹³⁰ being a professional athlete is a full-time job. Adu has to train beyond practices, has to travel often with the team, make personal appearances, receive the help of a trainer, and has to fulfill his Nike and other endorsement contracts. While he is making a great deal of money, he has plenty of time to earn money after he turns eighteen. Childhood comes along only once. The Secretary of Labor should find that professional soccer will hurt Adu's health and well-being and prevent Adu from playing professional soccer.

B. Minimum Age Requirement

If the Secretary of Labor does not take action, another way to prevent Adu from playing is for the other professional soccer players or the government to pressure MLS to enact a minimum age requirement of eighteen. Other professional sports leagues have recognized the potential physical and psychological harm to child athletes and have enacted minimum age requirements: the NBA requires a player's high school class to have graduated

128. Rachelle Propson, Note, *A Call for Statutory Regulation of Elite Child Athletes*, 41 WAYNE L. REV. 1773, 1798 (1995).

129. *Id.*

130. Jason La Canfora, *D.C. United: Freddy Adu*, at <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A58232-2003Nov18¬found=true> (Nov. 18, 2003).

before the player can enter the draft,¹³¹ the National Football League (NFL) requires three years after the player's high school graduation,¹³² MLB requires American¹³³ players to be eighteen,¹³⁴ and the National Hockey League (NHL) requires draftees to be eighteen.¹³⁵ Even individual sports have realized that age requirements are necessary.¹³⁶ The WTA and Association of Tennis Professionals (ATP) men's tennis tour restrict the amount of tournaments children ages fourteen to seventeen may enter,¹³⁷ and the Professional Golfers Association (PGA) and LPGA require full-time members to be eighteen.¹³⁸ In soccer leagues outside the United States, the age rules vary depending on whether the player is foreign to the team's country.¹³⁹ In 2001, the Federation Internationale de Football Association (FIFA), the international governing body of soccer, passed a regulation that forbids transferring players who are under eighteen to play professionally.¹⁴⁰ Professional teams can sign younger players, but they are usually assigned to

131. Thomas Lombardi, *Can't We Play Too? The Legality of Excluding Preparatory Players from the NBA*, 5 VAND. J. ENT. L. & PRAC. 32, 37 (Winter 2003).

132. *Clarett v. NFL*, 369 F.3d 124, 126 (2d Cir. 2004).

133. MLB's rule states that

a players who is not already under contract with a MLB or minor league team, who is not a U.S. resident, and who is not subject to draft eligibility rules, may be signed by any club if (1) he is seventeen years old at the time of signing, or (2) he is sixteen years old upon signing and will reach seventeen prior to the later of (a) the conclusion of the baseball season in which he was signed, and (b) September 1.

Arturo J. Marcano & David P. Fidler, *The Globalization of Baseball: Major League Baseball and the Mistreatment of Latin American Baseball Talent*, 6 IND. J. GLOBAL LEGAL STUD. 511, 541 n.133 (1999). The reason why MLB has different rules for foreign players is unclear. However, allegations have surfaced that MLB may be violating international human rights and labor standards in its recruiting of Latin American players. *See id.* *See also* *Player Exploitation: Baseball Finds Infractions in Latin America*, HOUS. CHRON., Nov. 4, 2001, available at 2001 WL 23641126.

134. Steve Wieberg, *Judge: Clarett Can Enter NFL Draft*, USA TODAY, Feb. 5, 2004, available at http://www.usatoday.com/sports/football/nfl/2004-02-05-clarett-nfl-draft_x.htm (last visited Nov. 16, 2004).

135. Chip Alexander, *Fields of Youth: Young Athletes Turning Pro Raises Question of How Young Is Too Young*, RALEIGH NEWS & OBSERVER, July 13, 2003, at C1.

136. *See id.*; Kuriloff, *supra* note 74, at 2; Wieberg, *supra* note 134.

137. Kuriloff, *supra* note 74, at 2; Wieberg, *supra* note 134.

138. Alexander, *supra* note 135, at C1.

139. Grant Wahl, *The Beauty of Freddy*, at http://sportsillustrated.cnn.com/inside_game/grant_wahl/news/2003/08/17/adu_part2/ (Aug. 18, 2003); *see also* The Football Association, *The FA Rules*, THEFA.COM, at <http://www.thefa.com/TheFA/RulesAndREGulations/Regulations/Postings/2003/11/FARules.htm> (July 11, 2003) (stating that in England, soccer clubs may not offer employment contracts to players under 18 and may only offer players under 17 a contract as a trainee or scholar); Bell, *supra* note 15, at 16.

140. Wahl, *supra* note 139; The Football Association, *supra* note 139.

youth teams or reserve teams until they mature.¹⁴¹ In Adu's case, he would not be able to play for the senior teams in Europe until eighteen due to the rules for non-European soccer players.¹⁴²

However, if MLS were to enact a minimum age requirement of eighteen, Adu, or another child athlete, could challenge the rule as a group boycott under Section 1 of the Sherman Act.¹⁴³ In such a case, a court could analyze the alleged group boycott by using two methods: the per se analysis or the rule of reason analysis.¹⁴⁴ Using a per se analysis, a court would hold all trade restraints to be illegal whether they were reasonable or not.¹⁴⁵ In contrast, a rule of reason analysis consists of a three-step burden-shifting test.¹⁴⁶ Under this test, the plaintiff must first show that the action in question had an actual adverse effect on the competition as a whole in the relevant market.¹⁴⁷ Once the plaintiff demonstrates an actual adverse effect, the burden of proof shifts to the defendant to give evidence of the pro-competitive effects of the rule.¹⁴⁸ If pro-competitive effects exist, the court will look at whether any less restrictive means are available to achieve these effects.¹⁴⁹ Because courts have recognized that professional sports are unique businesses where some restraints are necessary to maintain their existence, most courts now use the rule of reason test to determine an antitrust claim involving professional sports.¹⁵⁰

One of the first cases to consider a minimum age limit in professional sports was *Denver Rockets v. All-Pro Management, Inc.*¹⁵¹ In this case, Spencer Haywood challenged the NBA's minimum age requirement.¹⁵² At that

141. Bell, *supra* note 15, at 16. See also Bob Foltman, *Old College Try? Not for These Players*, CHI. TRIB., Nov. 5, 1999, at 8.

142. Bell, *supra* note 15, at 16.

143. The Sherman Act states that "[e]very contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal." 15 U.S.C. § 1 (2004).

144. Rodenberg, *supra* note 75, at 193.

145. *Id.*

146. *Clarett v. NFL*, 306 F. Supp. 2d 379, 405-06 (S.D.N.Y. 2004), *stay denied*, 306 F. Supp. 2d 411 (S.D.N.Y. 2004), *rev'd in part and vacated in part*, 369 F.3d 124 (2d Cir. 2004).

147. *Id.*

148. *Id.*

149. *Id.*

150. See, e.g., *NCAA v. Bd. of Regents*, 468 U.S. 85 (1984); *Mackey v. NFL*, 543 F.2d 606 (8th Cir. 1976); *Fraser v. Major League Soccer, L.L.C.*, 97 F. Supp. 2d 130 (D. Mass. 2000). See also Karen Jordan, Note, *Forming a Single Entity: A Recipe for Success for New Professional Sports Leagues*, 3 VAND. J. ENT. L. & PRAC. 235, 241 (Spring 2001).

151. 325 F. Supp. 1049 (C.D. Cal. 1971).

152. *Id.* at 1060.

time, an NBA rule stated that a player could not compete until four years had passed since the player's class's high school graduation.¹⁵³ Haywood argued that the rule constituted a group boycott in violation of Section 1 of the Sherman Act.¹⁵⁴ Although the NBA urged the court to use a rule of reason analysis,¹⁵⁵ the court opted to use the per se approach because the case did not meet the *Silver*¹⁵⁶ exception in that the NBA did not have a procedural safeguard of a hearing for the affected player.¹⁵⁷ Because the court found that the NBA was involved in interstate commerce, had conspired to absolutely exclude players whose high school classes were not four years beyond graduation, and had not provided any means that granted the player a hearing, the court granted Hayward's motion for summary judgment.¹⁵⁸

As a result of the Haywood case, the NBA was forced to change its minimum age requirement.¹⁵⁹ First, the NBA changed its eligibility rules and allowed players who demonstrated a financial necessity or hardship to petition the league for entry.¹⁶⁰ However, the league changed the rule, and the collective bargaining agreement now allows any player to enter the draft if his high school class has graduated.¹⁶¹

In a similar case, nineteen-year-old amateur hockey player Kenneth Linseman challenged the World Hockey Association's (WHA) minimum age requirement.¹⁶² Linseman argued that the WHA's rule forbidding players under twenty from playing on its teams was an unreasonable restraint of trade that violated Section 1 of the Sherman Act.¹⁶³ Since the court found that the league did not meet the *Silver* exception due to the lack of procedural safeguards and lack of valid purpose for the rule,¹⁶⁴ the court found the boycott to be illegal per se.¹⁶⁵

The age limitation was also challenged in *Boris v. United States Football*

153. *Id.* at 1059.

154. *Id.* at 1060.

155. *Id.* at 1062.

156. *Silver v. N.Y. Stock Exch.*, 373 U.S. 41 (1963).

157. *Denver Rockets*, 325 F. Supp. at 1066.

158. *Id.* at 1066-67.

159. Lombardi, *supra* note 131, at 37.

160. *Id.*

161. NATIONAL BASKETBALL ASSOCIATION, COLLECTIVE BARGAINING AGREEMENT 145 (1999).

162. *Linseman v. World Hockey Ass'n*, 439 F. Supp. 1315, 1317 (D. Conn. 1977).

163. *Id.*

164. *Id.* at 1321-22.

165. *Id.* at 1323.

League.¹⁶⁶ In this case, Robert Boris challenged the age limitation in the United States Football League ("USFL") and alleged that it was a group boycott in violation of Section 1 of the Sherman Act.¹⁶⁷ The league's rule denied eligibility to an athlete whose college eligibility had not expired, who had not had five years pass since the athlete first entered an institute of higher education, or who had not received a college diploma.¹⁶⁸ The USFL argued that the rule promoted competitive balance, protected college athletes' health, promoted the importance of higher education, and allowed the USFL to run more efficiently.¹⁶⁹ While the court found the league's arguments were somewhat meritorious,¹⁷⁰ the court granted Boris's summary judgment motion because the rule constituted a group boycott, and thus, was a per se violation of Section 1 of the Sherman Act.¹⁷¹

In the most recent age eligibility case, *Clarett v. National Football League*,¹⁷² the court used the rule of reason analysis, rather than the per se analysis. At issue in this case was the NFL's minimum age requirement that three football seasons must have passed before an athlete may be eligible for the draft.¹⁷³ Clarett argued that this rule constituted a group boycott in violation of Section 1 of the Sherman Act.¹⁷⁴ Further, Clarett argued that the rule totally prevented any person, whatever his ability may be, from playing in the NFL and that no market exists for football players that is comparable to the NFL.¹⁷⁵ Clarett met the first part of the rule of reason analysis by showing that the rule denied entry to athletes who were not three years beyond their high school graduation date in the NFL player market.¹⁷⁶ Even though the NFL argued that Clarett could enter the relevant market in the Arena Football League (AFL) and Canadian Football League (CFL), the court found that those two leagues were not reasonable substitutes for the NFL.¹⁷⁷ With the burden of proof now shifted to the NFL to demonstrate a procompetitive effect of the rule, the league offered four justifications for the rule.¹⁷⁸ First, the rule

166. No. Cv. 83-4980 LEW (Kx), 1984 WL 894 (C.D. Cal. 1984).

167. *Id.* at *1.

168. *Id.*

169. *Id.* at *2.

170. *Id.* at *3.

171. *Id.* at *1.

172. *Clarett*, 306 F. Supp. 2d at 379.

173. *Id.* at 382.

174. *Id.* at 390.

175. *Id.* at 401-02.

176. *Id.* at 406.

177. *Id.*

178. *Id.* at 408-09.

protected players who were less psychologically and physiologically mature from being injured during NFL games.¹⁷⁹ Second, the rule protected the NFL's entertainment product from the negative effects from these injuries.¹⁸⁰ Third, the rule protected the NFL from the costs and liabilities of such injuries.¹⁸¹ Fourth, the rule protected other adolescents who may overtrain and use steroids in hopes of entering the NFL draft earlier.¹⁸² However, the court did not find these justifications to be reasonable.¹⁸³ The first and fourth justifications were not procompetitive because they did not promote competition while the second and third justifications were ineffective because they were procompetitive in a different market – the market of sports entertainment, not the player market.¹⁸⁴ Additionally, the Court opined that even if the NFL could demonstrate a procompetitive justification for the rule, less alternative means would be available.¹⁸⁵ Recognizing that players mature at different ages, the court suggested that testing individual players' maturity would be less restrictive than banning these players outright.¹⁸⁶ Thus, since the league did not give any valid procompetitive justifications for the rule, *Clarett* succeeded.¹⁸⁷

However, *Clarett*'s victory did not last long; a few months later, the Second Circuit overturned the district court's ruling and allowed the NFL to retain its age limitation.¹⁸⁸ Finding that the NFL labor market was organized around a collective bargaining agreement, and thus, was protected by federal labor laws,¹⁸⁹ the court concluded that antitrust laws did not apply to the NFL's eligibility rules and held that the non-statutory labor exemption applied due to the eligibility rules being a mandatory bargaining subject, affecting only the parties to the bargaining agreement, and having been negotiated at arms length.¹⁹⁰ Thus, the NFL's requiring players to wait three years after their high school graduate survived antitrust scrutiny.

Unlike most professional sports leagues, MLS has been rather successful

179. *Id.* at 408.

180. *Id.*

181. *Id.*

182. *Id.*

183. *Id.*

184. *Id.*

185. *Id.* at 410.

186. *Id.*

187. *Id.*

188. *Clarett*, 369 F.3d at 125 (2d Cir. 2004).

189. *Id.* at 130.

190. *Id.* at 138-43.

in defending antitrust claims. In *Fraser v. Major League Soccer, L.L.C.*,¹⁹¹ MLS players alleged that the league violated the Sherman Act and the Clayton Act by agreeing not to compete for player services, monopolizing the Division I United States soccer market, and reducing the chance of competition.¹⁹² Ruling for MLS on all three counts, the First Circuit upheld the district court's ruling that MLS was a single entity, and thus, could not be subject to antitrust scrutiny.¹⁹³ Furthermore, a jury found that the market for soccer was worldwide and not just limited to the United States.¹⁹⁴ Because of these two findings, the court never had to use the rule of reason balancing test.

Because MLS is a single entity and no court has ever overturned a league's minimum age requirement of eighteen, a court would likely uphold an age restriction that forbids children from playing in MLS. A child could not allege a group boycott because no conspiracy or agreement would exist between separate entities. Furthermore, a court would likely find that the soccer market for a child is worldwide. Although the child could not play professionally in a foreign country, the child could still sign a contract with a club. Thus, MLS could enact a minimum age requirement of eighteen and protect a player such as Adu.

CONCLUSION

In recent years, more younger athletes have been playing professional sports. At fourteen, Freddy Adu became the youngest professional athlete in a century. Although Adu is extremely talented and may be very mature for his age, he is taking a significant risk by playing professional soccer. His growing body is ill-suited to play against bigger and stronger players, and his potential for injury is high. Additionally, he will have to shoulder a heavy psychological burden, as Adu will be the star player in MLS's attempt to become more popular in the United States.

Moreover, Adu will be missing out on his childhood. Although Adu has experienced and will experience some incredible events as a soccer player, he will be missing out on some of the typical teenage life events, such as going to the prom, playing basketball with the guys in the park after school, and attending Friday night football games. Already, by being enrolled at IMG, he has traded in some of the good social experiences of youth. With teenage life

191. 284 F.3d 47 (1st Cir. 2002).

192. *Id.* at 55.

193. *Id.* at 56. However, the court added that it was not necessarily convinced that MLS was indeed a single entity. *Id.*

194. *Id.* at 61.

being an essential time to develop socially among peers and the opposite sex, these elite athletes have missed out on some of these necessary rituals by being enrolled at these sports academies. The head of one of the academies noted: "The kids don't live the typical teenage life For a teacher, it's like paradise because we don't have a lot of the problems that most high schools suffer from. At regular high schools, public display of affection is a big problem, but here I've never seen people holding hands."¹⁹⁵ Additionally, at his young age, Adu has already limited the extracurricular activities he participated in.¹⁹⁶ While Adu enjoyed playing basketball in the past, he stopped playing because he could have possibly sprained his ankle and missed some soccer games.¹⁹⁷

Although Freddy Adu may have a better situation than other child laborers, action must be taken to prevent this heavy physical and psychological toll on Adu and other athletes in the future. This action can occur through a minimum age requirement of eighteen in MLS or by the Secretary of Labor preventing Adu from playing. America already has taken a tough stand by enacting laws that protect children's vulnerabilities and health. Preventing Adu from playing would send a strong message to employers and children that America will not tolerate this type of child abuse. Freddy Adu deserves to be a normal child, not a soccer superstar.

Jenna Merten

195. Whitters, *supra* note 84, at 18.

196. Johnson, *supra* note 78, at D1.

197. *Id.*

