

TUESDAY, JUNE 5, 2018

## Why do some view kneeling at a football game as disrespectful?

By William Bruzzo

When I read that the NFL was going to punish players for kneeling during the national anthem by fining teams, I thought, what are they afraid of? Why are they threatened by such a passive means of expression? These players were not raising a middle finger or burning the flag. Kneeling is something we do in Church to show our reverence and submissiveness to God. Yet, somehow, kneeling during a football game is seen as disrespectful and unpatriotic.

The people kneeling at the games are mainly black, and because their protest is directed toward murder or mistreatment of black people by white police officers, the parallels to the civil rights movement of the 1960s are unavoidable. I recall as a kid seeing pre-civil rights pictures of black Americans standing in a bus station waiting rooms with a sign that said "Whites Only" or being arrested for sitting in the dining area of a drug store next to a sign that said "Whites Only." Those scenes seemed so remote from my existence and to a kid's naïve sense of righteousness. The black-and-white photographs gave my young self the false notion that such things were in our nation's distant past, even though the Civil Rights Act of 1964 was passed only three years before I was born.

I am well aware of the difference between a state actor banning expression and a private entity doing so. While perhaps an argument could be made that the NFL is infringing on the civil rights of their employees, the real issue is what is motivating the backlash to these passive protests.

I have no doubt an immediate concern for the NFL is profits. Ticket sales are down and many fans have stopped watching the games in reaction to players kneeling. The NFL is the wealthiest sports league in the world — even more wealthy than



New York Times News Service

President Donald Trump speaks in Huntsville, Ala., Sept. 22, 2017. Trump used an expletive during the rally when he referred to players who protest the national anthem by kneeling or sitting, and he continued his weekend tweet storm against the NFL over the league's refusal to punish those players.

European soccer leagues with enormous international fan bases. Still, business is business. As for the fans, the whole issue took off as a cause célèbre for the Right when President Donald Trump tweeted about the issue, "Roger Goodell of NFL just put out a statement trying to justify the total disrespect certain players show to our country. Tell them to stand!"

The president even went so far as to claim that kneeling was disrespectful to fallen American Soldiers: "Courageous Patriots have fought and died for our great American Flag —we MUST honor and respect it! MAKE AMERICA GREAT AGAIN!" In a speech recognizing veterans recovering at Walter Reed Hospital, Trump said: "They were fighting for our country, they were fighting for our flag, they were fighting for our national anthem. For people to disrespect that by kneeling during the playing of our national anthem I think is disgraceful."

During his campaign for president, Trump said Sen. John McCain, a POW veteran of the Vietnam war who was shot down on a mission over Hanoi and held as a prisoner where he was tortured for five and half years, "[is] not a war hero, he

was a war hero because he was captured. I like people who weren't captured." Trump, who deferred serving in Vietnam five times for being a student and finally claimed he had a bone spur that prevented him from serving, has never apologized for being egregiously disrespectful to a veteran who was a prisoner of war. While John McCain was being tortured by the Vietcong, Trump was safe in New York City working for his father's real estate company. Clearly, respect for the military and the country are not at the forefront for many disgruntled NFL fans who appear to support the President despite his undeniable disrespect to a veteran.

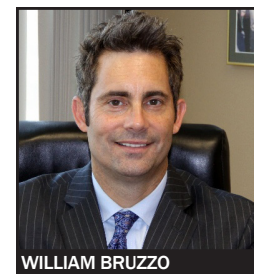
The national anthem does not belong to only veterans, it belongs to all Americans. By quietly bringing this matter to the attention of the public by taking a knee, the athletes are bringing this important issue before the American people. Protests are meant to be seen. African-Americans make up 70 percent of the NFL, but only 12 percent of the population, and millions of American tune in each week. Many white people may be unaware that unarmed blacks are five times more

likely to be killed by police than unarmed white people. Or maybe they just don't care.

In the 1960s, the Civil Rights movement saw protestors die in the ultimately successful effort to ensure black Americans had the same rights as white citizens. Don't we owe it to those freedom fighters to maybe lose a little revenue in exchange for bringing an important issue to the attention of the American public? Shouldn't the NFL be more accommodating of issues important to African-Americans since they depend on them so heavily to conduct their business?

The NFL did not consult the player's union in making their decision. The league has clearly made a choice and the president has stated his pleasure at the league's decision. It is now up to the players to decide if they are receiving the respect and dignity that should be afforded every American, regardless of race or ethnicity and regardless of whether the issue comes up in the context of a state or private actor.

**William Bruzzo is criminal defense lawyer in Orange County practicing civilian and military criminal law. He is a 1994 Graduate of the Naval Justice School and spent seven years in the United States Marine Corps which included positions as a judge advocate, company commander and the executive officer of an H&S Company in the 4th Tank Battalion. He was honorably discharged as a major. He is also a mentor at the Veteran's Court in the Orange County Superior Court.**



WILLIAM BRUZZO