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What We Really Should Be Concerned About With the NFL: Understanding the Real Problems of Our Country's Most Popular Sport

By Chad Dunne

I. Introduction

The NFL has maintained an exclusive intrigue in our society – football - an entertaining sport filled with fast moving, hard hitting, controlled violence and team comradery uniquely wrapped into one¹. However, it is this same intrigue that has turned the league into a billion-dollar monopoly controlled by thirty-three individuals who mask and charade this fact by frequently diverting the fan from the business side of the sport. These thirty-three individuals include the owners of the thirty-two NFL teams and the person who seemingly operates as their spokesperson, the NFL Commissioner². The NFL outwardly indulges in semantics that would otherwise go unaddressed were it not for the fact that it negatively affects the company's (or what we normally call the team) bottom line dollar.³

The persistent eagerness of sports fans provides considerable profits for all professional sports leagues, especially the NFL.⁴ The leagues have mind-numbing television contracts and the broadcasting companies rely on professional sports events as their most important medium to sell commercial time.⁵ I think we all are familiar with the add cost for the SuperBowl.⁶ It is widely perceived that the players are the beneficiaries

of the endless money thrown around in sports; however, the real winners of every game are the team owners.

For team owners, owning a franchise is an extremely lucrative investment. Broadcast and cable networks salivate at the opportunity to pay sports leagues for the national rights to televise games.⁷ Holding these rights, they negotiate and sell commercial time to advertisers to the highest bidder. Due to the popularity of the NFL, advertisers are willing to pay extremely high figures for commercial time because their ads are reaching more potential consumers as a result.⁸ Couple this with season ticket sales, partnerships, endorsements, and sponsorships, and the league owners are counting money hand over fist.⁹

The billion-dollar monopoly the NFL has become is just that. The league is more concerned with television ratings and new avenues to generate income than the actual game. As a result, the league owners and NFL Commissioner have made every attempt to mask the issues that may jeopardize their fortunes.

Part II of this paper will compare the power of the NFL to other professional sports leagues and the value of the arbitration process. Part III of this paper will discuss the potential legal violations of the current NFL structure. Part IV will discuss the cultural issues of the league and the result of the NFL Commissioner's power. And Part V will conclude with the inevitable change and what should be the leagues true concern.

II. HOW THE NFL STRUCTURE STANDS ALONE IN PROFESSIONAL SPORTS

A. Background

Professional sports leagues have maintained their status as private associations, and as such, most issues relating to their league enjoy judicial-noninterference.¹⁰ The Court's rationale to this strict adherence was explained in *Crouch v. Nascar*, where the court feared that judicial intervention could potentially thrust the Court into an area in which it had little to no expertise.¹¹ However, the exception to this rule can be implicated if it is found that the league has acted either illegally, or failed to follow the basic rudiments of due process.¹² The Court found the professional auto racing leagues legislative system, which included the option to appeal, to provide the requisite fairness and determined that private associations (i.e. sports leagues) are best equipped to handle and interpret its bylaws.¹³

The primary document in professional sports governing the relationship between the players and the team owners is the Collective Bargaining Agreement (CBA).¹⁴ CBA's define the scope of authority of the league Commissioner and fundamentally provide the opportunity for the players to impose a system of checks and balances on his power.¹⁵ The CBA is produced through collective bargaining, which is the process under the National Labor Relations Act (NLRA) where team owners and the players union negotiate the agreement that establish the rules and regulations of their relationship.¹⁶ The failure of either party to bargain in good faith is an unfair labor practice.¹⁷

As a result of sports leagues judicial-noninterference, leagues use grievance procedures for resolution through collective bargaining.¹⁸ Congress enacted the Federal Arbitration Act (FAA) effectively making commercial arbitration agreements valid, irrevocable, and enforceable.¹⁹ With the creation of the Act, Congress voiced its preference for arbitration rather than litigation as a system to resolve labor disputes.²⁰

Thus, the most effective tool in limiting the Commissioner's power while collectively bargaining is the successful negotiation of the terms in the arbitration and mediation procedures.²¹ If there is an applicable clause, arbitration will be the exclusive remedy for achieving reconciliation as Courts rarely reverse an arbitrator's decision.²² More importantly, the arbitration process is in place to ensure all parties a fair, unbiased, dispute resolution process. Nonetheless, the NFL has managed to implement a structure significantly different from other professional sports leagues.²³

B. Major League Baseball

The MLB CBA and Constitution simply requires a showing of "just cause" for a player to be subject to disciplinary action by his team or Commissioner.²⁴ This article further allows the Commissioner to discipline a player for any conduct he deems material detrimental or prejudice to the "best interest" of baseball.²⁵ The agreement provides the Commissioner absolute authority, including lifetime banishment from the league.²⁶

However, the agreement in place provides procedural protections to legitimately serve the players. The MLB CBA appeals process employs one impartial arbitrator, or a panel of three arbitrators; where the respective parties appoint two additional arbitrators.²⁷ If a party disagrees on the arbitrator, the American Arbitration Association provides a list of potential arbiters from which a party can choose.²⁸ Clearly, Major League Baseball has implemented a credible system with the fundamental principles of fairness to guarantee due process of law.

C. The National Basketball Association

The NBA CBA and Constitution grants the NBA Commissioner full authority to suspend players.²⁹ Consistent with the power of most Commissioners', the NBA Commissioner can suspend a player for "conduct detrimental to the best interest to the league."³⁰ Appropriately, the NBA provides the necessary procedures to adequately assist the players.³¹

The NBA CBA states that all disciplinary decisions by the Commissioner are subject to review by the Board of Governors and players have the option to appeal under the grievance and arbitration procedure, where a "Player Discipline Arbitrator" reviews the Commissioner's decisions.³² Similar to the MLB, both parties agree on a grievance arbitrator and have the right to remove that arbitrator.³³ And like the MLB, The NBA has undoubtedly placed an emphasis on equity and justness.

D. The National Football League and Personal Conduct Policy

The NFL Commissioner is notoriously known for having too much power.³⁴ In fact, The NFL Commissioner has the broadest powers of any other Commissioner in professional sports.³⁵ This is because the NFL has long remained the only major sport that does not have an independent arbitrator.³⁶ The standard NFL player contract requires that the player agrees to maintain appropriate conduct and recognizes that the success of professional football depends profoundly on public respect for and approval of those associated with the game.³⁷ The contract explicates that the Commissioner can discipline players for *any* conduct that reflects poorly on the character and integrity of the game and diminishes public confidence.³⁸

The NFL CBA grants the Commissioner the power to solely discipline the players, hear their appeal, and have final authority in the appeals process.³⁹ He is in effect the judge and the jury on all player disciplinary decisions.⁴⁰ Yet, this supreme power was broadened and reinforced with the enactment of the Personal Conduct Policy.⁴¹

The Personal Conduct Policy was unilaterally implemented by the leagues then-Commissioner Paul Tagliabue in effort to regulate player conduct after a series of off-field legal trouble.⁴² The Policy empowered the Commissioner to hand out strict suspensions and fines to players for criminal behavior.⁴³ Since its commencement, the Personal Conduct Policy has undergone scrutiny, as it is not a signed, written agreement between the NFL teams and the NFL Players Association (NFLPA) and was not collectively bargained.⁴⁴

Despite the efforts of the Policy, off-field misconduct persisted prompting current NFL Commissioner Roger Goodell to respond with harsher punishments with the Policy's expansion in 2007.⁴⁵ The new Policy vests in the league Commissioner the ability to indefinitely suspend any player who engages in violent or criminal behavior.⁴⁶ Additionally, it authorizes the Commissioner to suspend players for any and all "misconduct" even if it is not illegal.⁴⁷ There are no established guidelines for what constitutes the length of a suspension; rather, Goodell imposes punishment as warranted.⁴⁸

III. THE LEGAL RAMIFICATIONS

In all actuality, the NFL commissioner has been able to maintain such unilateral and ambiguous authority due to poor negotiations by the NFLPA when brokering for the CBA⁴⁹. In the defense of the league and commissioner, there have never been any reports of the league threatening or forcing the player representatives to sign and agree to the terms⁵⁰. However, the Personal Conduct Policy was established without any negotiation ever taking place between the NFL and NFLPA⁵¹. The unilateral changes by the NFL clubs, coupled with the broad sweeping authority the policy grants to the commissioner, have seemingly provided the players with a direct avenue for legal recourse⁵². In fact, it seems more plausible than not to suggest that the Personal Conduct Policy may be in violation of both antitrust and labor law⁵³.

A. The Antitrust law claim

Section 1 of the Sherman Act, in pertinent part, states “every contract, combination . . . or conspiracy, in restraint of trade or commerce . . . is declared to be illegal”⁵⁴. Although most claims under § I of the Sherman Act involve the restraint of trade in product markets, § 1 of the Sherman Act also prohibits restraints of trade in labor markets⁵⁵. The goal of the antitrust acts is to stop monopolies and protect fair competition⁵⁶.

These laws are the major mechanism available to effect change in sports⁵⁷. The antitrust laws have been used by various groups: e.g., players, colleges, etc., with the goal of these antitrust plaintiffs being to achieve some result at the expense of management, whether it was better wages, better conditions, a new location, or less control⁵⁸. Courts generally begin to interpret an antitrust controversy by applying a three-step test. First, a

court will review two threshold issues: (1) whether there is an effect on trade or commerce among more than one state, and (2) whether there is a sufficient agreement among two or more parties to constitute a "contract, combination ... or conspiracy."⁵⁹

If the threshold issues are established, a court will then perform one of the sanctioned tests to determine whether the agreement produces a prima facie antitrust violation⁶⁰. There are two basic ways to interpret an antitrust controversy: either as a "per se" violation or through a rule of reason approach⁶¹. If the agreement seems so heinous that it is unlikely to have any redeeming value, a court will apply the per se test. Contrarily, if an agreement appears to have potential economic benefits, a court will apply the Rule of Reason test, here; the court will determine the agreement's net economic impact⁶². Professional sports usually will merit the rule of reason analysis rather than a mechanical "per se" review⁶³.

Presuming that a court finds a prima facie antitrust violation, a court would then determine whether any antitrust exemption or affirmative defense would negate the finding of liability⁶⁴. The most common exemption or affirmative defense in the context of agreements in professional sports is the non-statutory labor exemption, which precludes antitrust liability for any conduct that transpires through the proper workings of the collective bargaining process⁶⁵.

The Supreme Court addresses and supports the qualification of the first threshold issue in the case *Radovich v. National Football League*, in which it found that NFL clubs certainly engage in interstate commerce⁶⁶. The next issue is whether or not the Personal Conduct Policy involves a contract, combination, or conspiracy among two or more parties. Court history provides that the agreements between NFL clubs constitutes a

contract between two or more parties. The second circuit, in *New American Soccer League v. National Football League* held that NFL is best defined as a collection of "individually owned separate professional football teams," which derive separate revenues from sources including "local TV and radio, parking and concessions."⁶⁷

Presuming the Rule of Reason test is applied, a plaintiff must then show the following three elements: (1) market power, (2) net anti-competitive effects, and (3) Harm⁶⁸.

1. Market Power

Market power is defined as "the power to control prices or exclude competition." When analyzing this factor, a court analyzes both product and geographic considerations. This is defined as the area to which players can turn, as a practical matter, for alternate opportunities for employment.⁶⁹ Essentially, this factor is important because if there is a limited opportunity for practical employment in the relevant industry, a market restriction is more likely to produce an antitrust violation.⁷⁰

The Personal Conduct Policy grants the commissioner broad disciplinary authority with little restriction. This disciplinary authority includes the right to reprimand a player with a lifetime ban from the league. Ironically, this same authority is what would most likely implicate a violation of antitrust law as a consequence of its market restraint.⁷¹ NFL clubs exert market power in the market for premier professional football labor as the only elite level for professional football in America, and the world for that matter. So if a player is banned from the NFL, there is no equivalent football league

where that player could seek employment, precluding him from earning his overall financial potential.⁷²

2. Net Anti Competitive effects

A net anti competitive effect is one where the anticompetitive effects of a particular agreement are greater than their pro-competitive benefits.⁷³ The NFL Personal Conduct Policy produces strong anticompetitive effects in the global market for professional football labor. As stated above, the policy has the potential to prevent NFL players from practicing their profession. As a result, the fans would then be subject to a product on game day that may not feature the players they prefer and the quality they expect. This could foreseeably lead to a decline in game day sales and television ratings, directly impacting the revenue expectations of the league.

Moreover, it is illegal for a collective bargaining agreement to impose league wide rules that constrain player admissibility. In *Denver Rockets v. All-Pro Management, Inc.*, overturned an NBA rule that required all prospective men's professional basketball players to wait at least four years after completing high school before applying for the NBA draft.⁷⁴ The court explained that the goals of promoting education may not override the objective of fostering economic competition which is embodied in the antitrust laws.⁷⁵ Similarly, while the Personal Conduct Policy was implemented due to a growing concern of off field behavior, its conditions should not be so restrictive to where players are never afforded the opportunity to play in the only major professional football league in the world relative to the NFL.

3. Harm

The final factor required in the Rule of Reason test is for the plaintiff to prove that the agreement caused harm. In the context of a labor market antitrust claim, it is generally accepted that this factor can be established by an employee simply showing he was harmed in some capacity.⁷⁶ Here, the potential banishment would not only harm the player by precluding him from obtaining employment in his profession, but would also harm the consumer by diminishing the quality of the game due to the potential banishment of the leagues better players.

B. The Labor Law Claim

While the players have a more than compelling argument in their potential antitrust law claim, if it were to not succeed, they could reasonably seek a violation of labor law. While the Personal Conduct Policy is technically not apart of the CBA, the Policy was created and justified through ambiguous terms from the CBA.⁷⁷ As stated earlier, CBA's used in professional sports leagues that contains arbitration agreements are subject to the rules of the NLRA. The NLRA necessitates that employers and the labor union representing the employees must collectively bargain all conditions of employment.⁷⁸ The one sided authority granted by the Policy seems to violate the Act which requires both impartiality and collective bargaining of all rules and policies that will have a practical effect on the working conditions of employees.⁷⁹ Ultimately, the commissioner created the Conduct Policy, determines the degree of punishments, and sits as the final authority during the appeal of his decision.⁸⁰

The NFL Commissioner is simply incapable of maintaining the desired impartiality as the final authority in the appeals process. The Commissioner solely oversees and conducts the full, final and complete disposition of any appeal.⁸¹ Additionally, he maintains a close working relationship with both the owners and the NFL Management Council, who determine the Commissioner's compensation package.⁸² This sentiment was aggressively addressed in the demand for the Adrian Peterson case to be heard by an independent arbitrator, which will be discussed later. The player association rep addressed the Commissioner claiming,

“There is simply no way for you to impartially arbitrate Mr. Peterson's appeal,” the NFLPA said of Goodell. “Your retroactive application of the revised policy, imposition of grossly disproportionate discipline, and implementation of unprecedented procedures underscore your inability lawfully to serve as hearing officer.”⁸³

Courts and legislatures have established a policy to sustain the arbitration process. Moreover, Courts have utilized the arbitration process to promote competency, efficiency, and impartiality, to serve the rights of all parties.⁸⁴ The fundamental protections in the arbitration process are absent from the procedural methods of discipline used by the NFL.⁸⁵ The equity the NLRA seeks to provide has been completely undermined, as the Act requires proprietors to refrain from making unilateral changes that would affect the terms negotiated under the CBA.⁸⁶ The NFL's evident partiality displays the lack of necessary procedures necessary to operate as a business in good faith, and as such, the league seems to be extremely vulnerable to a potential labor law violation pursuant to the NLRA.

IV. THE IMPACT OF THE UNCHECKED AUTHORITY OF THE NFL COMMISSIONER

The disciplinary structure of the NFL, pursuant to the Personal Conduct Policy, prevents an outside body from reviewing the commissioner's punishment of players for off-field misconduct.⁸⁷ The NFL Commissioner's authority to decide what is detrimental to the best interests of the league is not unprecedented and is parallel to the power of commissioners in other leagues; however, the procedural safeguards in the NFL leave the players extremely vulnerable. Rather than the review by an impartial and independent arbitrator, the appeals are reviewed and determined by the person who made them.⁸⁸ Most billion-dollar companies set up credible, unbiased individuals or committees to investigate and mete out punishment to ensure the integrity of the company's reputation.⁸⁹ With the national scolding the NFL has undergone in the past six months, the league will be forced to consider this and reform its policies.

A. A Closer Look At the Arbitrary Rulings of the NFL Commissioner

Former NFL Commissioner Paul Tagliabue recognized domestic violence as a concern for the league in the late 1990's when current NFL Commissioner Roger Goodell was then serving as the league's Chief Operating Officer.⁹⁰ Yet, the league has led the general public to believe that the Ray Rice and Adrian Peterson cases have made them aware of the importance of domestic violence and have vehemently expressed how it will not be tolerated.⁹¹ Their primary objective has always been profit maximization; this includes ensuring their best players are on the field despite the trouble they might find off

it.⁹² In 2008, Pittsburgh Steeler's All-Star linebacker James Harrison was charged with simple assault and criminal mischief following an argument with his girlfriend.⁹³ He reportedly slapped her in the face and snapped her phone in half as she tried calling 911.⁹⁴ He subsequently voluntarily entered anger management and psychological counseling and the charges were dropped.⁹⁵ Harrison was not suspended any games by the Commissioner and received no punishment from his team even though the facts of the case were never disproven.⁹⁶ The team chairman justified the leagues decision stating “[Harrison] contacted us immediately after his incident and has taken responsibility for his actions.”⁹⁷

In 2009, Baltimore Ravens All-Star defensive end Terrell Suggs allegedly knocked his fiancée down before pouring bleach on both her and their child.⁹⁸ The woman told police that he said he was going to "drown [her] with this bleach." She listed "busted lips, broken nose, black eyes, bruises" as "past injuries" and while a restraining order was requested at the time, no charges were filed.⁹⁹ Like Harrison, Suggs was not suspended by the Commissioner and received no punishment from his team.¹⁰⁰ There have been several other domestic violence cases in the NFL with punishments ranging from a four game suspension being reduced to no suspension at all, to mere fines (relative to NFL player salary) of \$25,000.¹⁰¹

The Commissioner's suspensions have undoubtedly proven and reflected the NFL's true and only concern, the almighty dollar.¹⁰² The Personal Conduct Policy simply serves as the tool to combat any issues that threaten the leagues profit maximization.¹⁰³ In 2011, Roger Goodell banned former Ohio State quarterback and NFL prospect Terrelle Pryor from the NFL for five games for accepting free tattoos, which qualified as

accepting free benefits in violation of the NCAA bylaws. The Commissioner justified the suspension by claiming that Pryor “made decisions that undermine the integrity of the eligibility rules for the NFL draft.”¹⁰⁴ The decision was clearly Goodell’s message to players trying to circumvent the process the NFL and NCAA have in order.¹⁰⁵ Let’s put this into perspective; free tattoos and “compromising the integrity of the draft” clearly warrant a five game suspension, and hitting your wife clearly warrants a two game suspension, maybe six game suspension, perhaps no suspension at all, or possibly an indefinite suspension and lifetime ban.¹⁰⁶ Wait...What? Although it may be extremely difficult to rationalize the logic behind the Commissioner’s suspensions, the motive behind them is clear as day.¹⁰⁷

On February 15, Ray Rice was arrested and charged with simple assault charges along with his then fiancée, Janay Palmer.¹⁰⁸ On February 19, video emerged of Rice dragging an unconscious palmer out of an elevator.¹⁰⁹ Police later confirmed that they obtained video that showed Rice knocking Palmer unconscious, however, the video was not released.¹¹⁰ Shortly thereafter, Ravens owner Steve Bisciotti stated that Rice would “definitely be back”. He praised Rice's character, stressing his goodwill with the team and in the community. He also pointed to the fact that Rice had no previous record of being in trouble for off-field behavior.¹¹¹ On June 16, Rice had a meeting with Goodell to determine his potential discipline.¹¹² The Ravens team president and general manager were also present.¹¹³ The review process was completed, and on July 24, Rice was suspended two games by the Commissioner.¹¹⁴ When the news of Rice’s suspension was announced, the public immediately screamed outrage as seemingly every social media outlet available claimed the suspension was to lenient.¹¹⁵

In predictable fashion, Roger Goodell defended and justified his decision stating it was consistent with prior cases.¹¹⁶ Normally, this undetailed, uninformative, and vague explanation would suffice, as the public is not privy to enough information to legitimately continue a protest of injustice. But Goodell underestimated the unprecedented component of this case, as it was the first time an act of this nature was caught on camera and released to the public.¹¹⁷ The public displeasure only intensified, the league was being accused of devaluing women, and Goodell and the NFL owners began to realize the potential threat of poor ticket sales and loss of sponsors.¹¹⁸ After a month of intense scrutiny, the NFL announced a new domestic violence policy outlining a six-game suspension without pay for the first offense, and a lifetime ban for the second offense.¹¹⁹

On September 8, video emerged of the same Rice incident, with this video showing Rice knocking his wife unconscious in the elevator.¹²⁰ The same day, the Baltimore Ravens released Rice, and Roger Goodell suspended Rice indefinitely. If this sounds confusing, it should. The suspension conflicts with language in both the leagues CBA and newly implemented domestic violence policy.¹²¹ Similar to the Double Jeopardy Clause, where the United States Constitution protects individuals for being tried twice for the same offense, Article 46(1)(a) of the NFL CBA implies there will be only a single punishment for each instance of misconduct.¹²² Furthermore, the indefinite suspension is explicitly contrary to the terms of the newly implemented domestic violence policy, which expressly call for a six game suspension for first time offenders.¹²³

Goodell justified the second suspension of Rice by stating the second video was “new facts and evidence”.¹²⁴ If this also sounds confusing, it should. Rice admitted to hitting Janay Palmer inside the elevator and the entire country watched Rice drag her

unconscious body outside of the elevator.¹²⁵ The deductive skills necessary to reach a logical conclusion based on the statements of Rice and video evidence do not require an advanced degree. Simply put, there were no new evidence or facts. This sentiment was legitimized when the general manager of the Ravens publicly stated that the version Rice gave of the incident was consistent with what the tape showed.¹²⁶ It would be unreasonable to suggest or believe that a man of the NFL Commissioner's stature, who essentially serves as the CEO of a billion dollar company, could be so conveniently absentminded. The reality is, Rice's second suspension was only due to the release of the visual recording and its national exposure, not because the league genuinely cares about domestic violence. Goodell suspended Rice because of the threat to television ratings, negative PR, and the potential loss of sponsors, which would directly impact the NFL owner's bottom line.¹²⁷

The Adrian Peterson case is yet another reflection of how much the NFL is a money driven league. On September 12, Peterson was indicted for reckless or negligent injury to his son.¹²⁸ His employer, the Minnesota Vikings, immediately deactivated him. Just three days later, the Vikings reinstated Peterson stating they believed that he was just "disciplining his child".¹²⁹ However, once photos emerged of the scars suffered from Peterson's discipline, many corporate sponsors expressed concern of the issue, some even suspending their relationship with the Vikings.¹³⁰ The next day, Peterson was placed on the exempt/commissioner's permission list, which essentially serves as an indefinite suspension.¹³¹ Coincidence? Of course not. During a press conference, the Vikings owner admitted both team and league sponsors were considered when suspending Peterson.¹³²

Peterson was not suspended by clear policies that dictate the appropriate punishment, nor was he suspended because of his act. He was suspended because his case was coupled with Ray Rice amidst a public relations nightmare, and the Commissioner swiftly imposed his broad, sweeping authority to protect the wallets of the NFL owners.¹³³

The Personal Conduct Policy conditions that *all* persons associated with the NFL are required to avoid conduct detrimental to the integrity of and public confidence in the National Football League.¹³⁴ Although the Commissioner's authority is perceived to be limited to the players, Goodell has publicly stated that owners, management personnel and coaches must be held to a higher standard than players.¹³⁵ But to believe that Goodell in fact holds the league owners to this "higher standard", is nothing short of comical. For all the criticism Goodell has received, he has done one job extremely well; serve as the defense attorney for the NFL owners.¹³⁶

Washington Redskins owner Daniel Snyder has obnoxiously maintained his refusal to change the team name many American Indians and others believe to be a racial slur.¹³⁷ Apparently these racial and offensive slurs aren't detrimental to the "integrity" of the league, as Goodell has publicly supported Snyder's stance and justification of the term "Redskins."¹³⁸ To the dismay of Snyder, The U.S. Patent and Trademark Office recently canceled the Washington Redskins trademark on the basis that it is "disparaging to Native Americans", a decision they are currently appealing.¹³⁹ Yet, there has still been no showing of concern by Goodell. Fittingly, Snyder made it a priority to support Goodell while he was under fire for his handling of the Ray Rice case stating "we are fortunate to have him as our Commissioner."¹⁴⁰

Goodell's "higher standard" of punishment was also enforced on Cleveland Browns owner, Jimmy Haslam. When Haslam's truck company agreed to pay a \$92 million penalty for cheating customers out of promised rebates and discounts, he too, was offered public support from Goodell.¹⁴¹ With this said, no punishment was more flagrantly egregious and disturbing than that of Indianapolis Colts owner, Jim Irsay. Earlier this year, Jim Irsay was arrested and charged with operating a vehicle while intoxicated along with four counts of possession of a controlled substance.¹⁴² Police also found \$29,000 in cash along with numerous prescription pills Irsay could not provide proof of a prescription.¹⁴³ When the story emerged, it was simply a troubled owner who has historically suffered from drug abuse and needed help. No one ever questioned why he was carrying such a large amount of cash and painkillers, which were unaccounted. It would have been absurd to intimate or accuse him of drug trafficking.

Jim Irsay's case quickly escalated when it was announced that a woman had been found dead from a drug overdose in a home owned by Irsay two weeks prior to his arrest.¹⁴⁴ While the details of their relationship remain very vague, it is clear that they were once well acquainted with one another and Irsay gave the home to her.¹⁴⁵ Irsay was never nationally speculated to be involved in her death and the story came and went.¹⁴⁶ For his transgressions, Goodell suspended Irsay six games, fined him \$500,000 (Irsay has a net worth of over \$1 billion), and banned him from tweeting about the NFL.¹⁴⁷ The last term of his suspension was not an attempt at humor; Goodell seriously imposed a partial ban on twitter.¹⁴⁸

The NFL Personal Conduct Policy was created in effort to police player behavior that reflected poorly on the league.¹⁴⁹ It's ambiguous language and unilateral

empowerment gradually turned the policy into a regulatory instrument used to control the league and protect the interest of the NFL owners.¹⁵⁰ Rightfully, its abusive nature has steered national controversy, and its inevitable reform.

B. The Willful Blindness of the NFL

The public relations nightmare the NFL has endured over the past several months has prompted the league to put the full court press on damage control¹⁵¹. Unfortunately, these attempts have shrouded the judgment of the public and shifted the attention away from arguably the most pressing issue of the cultural disconnect in the league¹⁵². Last year, video footage was released of Philadelphia Eagles wide receiver Riley Cooper yelling the N-word after a confrontation with a black security guard at a Kenny Chesney Concert. Being that Cooper is white, this set off a media firestorm¹⁵³. Unlike the recent national coverage of Ray Rice and Adrian Peterson, the Riley Cooper incident provided a level of social benefit as it provided a platform to discuss certain racial issues that have been quietly swept under the rug¹⁵⁴.

It should be commended that the NFL has used this opportunity to promote awareness for domestic violence. However, the elephant in the room involving the Ray Rice and Adrian Peterson cases is the racial divide on opinions between black America and everyone else¹⁵⁵. After seeing the horrific footage of Ray Rice hitting his then fiancée, it is extremely difficult to argue against any punishment Ray Rice received. However, after watching the extensive to almost nauseating coverage of the dehumanization of Ray Rice, the support (sometimes coupled with the excuse for his actions) started to emerge¹⁵⁶. The whispers of support of Ray Rice turned into roars of

displeasure and outrage with the national attention and punishment of Adrian Peterson. Even with the acknowledgement that Peterson may have taken it too far, it were almost as if the majority of black America laughed thinking most of our parents should be in court facing the same charges.¹⁵⁷ Several former and current athletes have come to the defense of Adrian Peterson in hopes of shedding light on this issue, nonetheless, the financial impact, potential loss of league sponsors, and protection of their brand has superseded the proper handling and education on what is apparently a microcosm of a much larger issue prevalent in the NFL.¹⁵⁸ The Adrian Peterson case has made one thing abundantly clear; America and black America are two different things.

To be clear, the NFL has not created these issues, and they are not alone in their dereliction of duty to help mitigate the effects. The NFL essentially perpetuates problems inherited by them directly from their minor league system, the NCAA. For all of their differences, both the NFL and NCAA share the most dangerous commonality and interest; making billions of dollars off a game and the branding of the players who participate in it.¹⁵⁹ The NCAA profits nearly a billion dollars annually and notoriously undervalues the educational component as it relates to its “student athletes.”¹⁶⁰ As a result, the NFL receives an overwhelming majority of players who come from impoverished and underprivileged communities who are unprepared and simply not ready to handle the responsibility that comes along with being a young millionaire in our countries most popular sport.¹⁶¹

The NFL constantly preaches that players understand they have a higher responsibly when conducting themselves both during their personal and private time.¹⁶² It is time for the NFL to adopt this standard. Ray Rice and Adrian Peterson are only two

examples of what the NFL can represent. The league has shown no genuine or legitimate concern for the growth and development of its players, and is quick to negatively label them, specifically the black players who represent nearly 70% of their league.¹⁶³ Ray Rice and Adrian Peterson should in no way be absolved of culpability in their acts, they should however, be recognized as men before players.

Both Ray Rice and Adrian Peterson have had their 2014 NFL seasons reduced to nothing in favor of the league ensuring they maximize profits. Rice and Peterson not only are two of the leagues best players, but by all accounts, had two of the better reputations in the league as they embodied the “consummate professional”. Unfortunately, once they found themselves in trouble, they became black listed and immediately expendable with Commissioner Goodell and the league reaching for every sentence of every clause of their by laws to indefinitely suspend them. Rather than give both players their right to due process and use this opportunity to educate the league and our country on the blatant racial foundation of these issues, the unchecked authority of the thirty-three decision makers manifest itself once again ruling in favor of their endless wealth at the expense of two players they view as replaceable.

C. Changes Long Overdue

The power of the NFL Commissioner has reigned supreme for over twenty years without change.¹⁶⁴ Nevertheless, this power has finally backfired. The blatant disconnect of order and disregard for federal and state policies supporting arbitration have transitioned from public out cry to statements from high-ranking political officials.¹⁶⁵ Senator Gillibrand of New York, felt compelled to address her thoughts on the NFL and

its handling of the Ray Rice situation stating “If the NFL doesn’t police themselves, then we will be looking more into it. I wouldn’t be surprised if we had hearings.” The Senator continued to describe the way the NFL handled the Ray Rice situation as “awful” and “outrageous”.¹⁶⁶

The egregious mishandlings of Goodell necessitated an immediate meeting between the league and the NFLPA to discuss a new Personal Conduct Policy, which will be announced at the end of the current season.¹⁶⁷ More importantly, for the first time in league history, Goodell agreed for an independent arbitrator to hear the appeal of Ray Rice.¹⁶⁸ The seemingly nonnegotiable issue and its sudden materialization led the NFLPA to issue a statement expressing their gratitude and approval:

“The NFLPA thanks Judge Barbara Jones for presiding over a fair and thorough hearing... this is the first time in the history of our League that a disciplinary hearing has been conducted pursuant to a joint agreement on a neutral arbitrator. We commend NFL owners and officials for the wisdom of this decision which enhances the credibility and integrity of our business”.¹⁶⁹

Accordingly, the NFLPA used this opportunity while our country was paying attention to address the leagues apparent unlawfulness and expectation for the Rice decision to set a new standard exclaiming,

“The collectively bargained rights of all players must be vehemently preserved and we take that obligation seriously. This appeal, presided over by a neutral arbitrator, which included a presentation of all the relevant facts, witness testimony to the truth and cross examination, is the due process that every athlete deserves.”¹⁷⁰

The NFLPA’s case for change was further supported when the arbitrator ruled in favor of Rice. Appropriately, the arbitrator determined that the NFL acted arbitrary and capriciously by suspending Ray Rice twice for the same off-the-field misconduct and he was ordered to be immediately reinstated into the league.¹⁷¹ Ironically, Goodell’s power

was limited the very first time one of his punishments was reviewed by an independent body.¹⁷² It also doesn't bode well that in the arbitrators ruling, the judge intimated that Goodell could have potentially lied in his claim that the second Ray Rice video was "new evidence". Judge Jones stated,

"In this arbitration, the NFL argues that Commissioner Goodell was misled when he disciplined Rice the first time. Because, after careful consideration of all of the evidence, I am not persuaded that Rice lied to, or misled, the NFL at his June interview, I find that the indefinite suspension was an abuse of discretion and must be vacated"¹⁷³

Judge Jones also supported the notion that Rice's suspension was not for his actual crime, but for the impact of the video released explaining,

"Moreover, any failure on the part of the League to understand the level of violence was not due to Rice's description of the event but to the inadequacy of words to convey the seriousness of domestic violence. That the League did not realize the severity of the conduct without a visual record also speaks to their admitted failure in the past to sanction this type of conduct more severely."¹⁷⁴

The implications of the Ray Rice arbitration decision have already influenced the league, as Goodell will also not hear Adrian Peterson's appeal.¹⁷⁵ Ray Rice and Adrian Peterson have unintentionally been the driving forces behind league change, but there is no doubt that future players will face a similar appeals process.

V. CONCLUSION

The NFL's current process of review for a disciplinary action is going to officially change within the next few months.¹⁷⁶ A Senate Commerce Committee took place just yesterday essentially ripping into Goodell and the current procedures of the NFL. He explained how the NFL is a system that cannot be trusted:

"I was under this perception that Mr. Rice had not been accurate and honest with the league about what he had done....but ... the league fully understood what he had done ... and despite that, the punishment that was handed down was so limited. ... I do think it's going to be problematic."¹⁷⁷

The past several months have highlighted the corruption of the league and apparent dictatorship. The NFL will undoubtedly be forced to implement some variation of another disciplinary authority to review cases.

But more importantly, the NFL should implement a system to where it doesn't feel compelled to overly regulate a league that happens to be black. The NFL inherits the talent without a concern for the person. Legitimately understanding real cultural issues would prevent the league from being scared into suspensions. When black players perform, they are promoted as role models and heavily endorsed. But when these same player make a mistake, the relevant topics become how angry, violent, and uneducated they are. There may be no policies to help this, simply respecting the players as men and not cattle would most certainly suffice. Peterson was banned from the league for an issue mostly all of its black players went through and probably still participate in. The league would be best served to implement new policies that reflect a trust and respect in the players; maybe then the players will begin to trust and respect the league.

¹ Dave Deckard, Five reasons the NFL is more popular than the NBA, blazersedge.com (Sept. 9, 2013), <http://www.blazersedge.com/2013/9/9/4711632/nba-nfl-popular>

² Kevin Clark, Why NFL commissioner Roger Goodell has survived, online.wsj.com (Oct. 7, 2014), <http://online.wsj.com/articles/why-nfl-commissioner-roger-goodell-has-survived-1412636655> (Last visited Nov. 30)

³ Id.

⁴ <https://www.bostonfed.org/peanuts/sptspage/inning4.htm>, Inning 4: how do teams and leagues make their money? (Last visited Nov. 29, 2014)

⁵ Id.

⁶ Id.

⁷ Brian Schrottenberger, NFL takes aim \$25 billion but at what price?, usatoday.com (Feb 5, 2014), <http://www.usatoday.com/story/sports/nfl/super/2014/01/30/super-bowl-nfl-revenue-denver-broncos-seattle-seahawks/5061197/> (last visited Nov. 29, 2014)

⁸ Id.

⁹ Id.

¹⁰ Crouch v. Nascar, 845 F.2d 397 (1988)

¹¹ Crouch, 845 F.2d at 397

¹² Id. at 397

¹³ Id.

¹⁴ WALTER T. CHAMPION, JR., LAW IN A NUTSHELL: SPORTSLAW 56, 56-77 (4th ed. Thomas Reuters 2009).

¹⁵ Id. at 77

¹⁶ Champion at 62

¹⁷ Id.

¹⁸ Mark E. Zelek, Labor Grievance Arbitration in the United States, 21 U. Miami I Inter-am. L. Rev. 197, 197 (1989).

¹⁹ 9 U.S.C. § 2 (2006); see also *Allied-Bruce Terminex Cos. v. Dobson*, 513 U.S. 265, 273–77 (1995)

²⁰ Joshua A. Reece, *Throwing the Red Flag on the Commissioner: How Independent Arbitrators Can Fit into the NFL's Off-Field Discipline Procedures Under the NFL Collective Bargaining Agreement*, 45 Val. U. L. Rev. 359 (2010) (citing 29 U.S.C. § 173(d). Section 203(d))

²¹ Id.

²² Id.

²³ Id. at 65

²⁴ Major League Baseball Collective Bargaining Agreement 49 (2012), available at http://mlb.mlb.com/pa/pdf/cba_english.pdf.

²⁵ Id. at 38-48

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ National Basketball Association Collective Bargaining Agreement (2011), 367, available at <http://www.nbpa.org/cba/2011>.

³⁰ Id. at 79

³¹ Id. at 311-333

³² Id.

³³ Id.

³⁴ Martha Pease, NFL should curb Goodell's control over discipline, cnn (Sept. 15, 2014), <http://www.cnn.com/2014/09/15/opinion/pease-nfl-goodell-power-discipline/> (Last visited Nov. 12, 2014)

³⁵ Id.
³⁶ Id.
³⁷ National Football League Collective Bargaining Agreement at 13 (2011) available at <http://nflabor.files.wordpress.com/2010/01/collective-bargaining-agreement-2011-2020.pdf>
³⁸ Id. at 11-30
³⁹ National Football League Collective Bargaining Agreement at 204 (2011) available at <http://nflabor.files.wordpress.com/2010/01/collective-bargaining-agreement-2011-2020.pdf>
⁴⁰ Id. at 204-206
⁴¹ NFL Personal Conduct Policy (2014) available at <http://images.nflplayers.com/mediaResources/files/2014%20Personal%20Conduct%20Policy.pdf>
⁴² Mark Fainaru-Wada, OTL: NFL didn't enforce own policies, espn.go.com (Nov. 12, 2014), http://espn.go.com/espn/otl/story/_/id/11849798/outside-lines-most-nfl-players-domestic-violence-cases-never-missed-down (Last visited Dec. 1, 2014)
⁴³ Id.
⁴⁴ See Personal Conduct Policy, *supra*
⁴⁵ Id.
⁴⁶ Id.
⁴⁷ Id.
⁴⁸ Id.
⁴⁹ Mike Florio, NFLPA has NFL in a vulnerable spot, profootballtalk.nbcsports.com (Sept. 24, 2014), <http://profootballtalk.nbcsports.com/2014/09/25/nflpa-has-nfl-in-a-vulnerable-spot/>
⁵⁰ Id.
⁵¹ See Adam B. Marks, *Personnel Foul on the National Football League Players Association: How Union Executive Director Gene Upshaw Failed the Union's Members by Not Fighting the Enactment of the Personal Conduct Policy*, 40 CONN. L. REV. 1581, 1593-98 (2008)
⁵² Id.
⁵³ See Marc Edelman, *Are Commissioner Suspensions Really Any Different From Illegal Group Boycotts? Analyzing Whether the NFL Personal Conduct Policy Illegally Restrains Trade*, 58 Cath. U. L. Rev. 631 (2009); See Also Joshua A. Reece, *Throwing the Red Flag on the Commissioner: How Independent Arbitrators Can Fit into the NFL's Off-Field Discipline Procedures Under the NFL Collective Bargaining Agreement*, 45 Val. U. L. Rev. 359 (2010).
⁵⁴ Sherman Antitrust Act, 15 U.S.C. § 1 (2000)
⁵⁵ Id.
⁵⁶ WALTER T. CHAMPION, JR., LAW IN A NUTSHELL: SPORTSLAW 83, 84-85 (4th ed. Thomas Reuters 2009).
⁵⁷ Champion at 83
⁵⁸ Id. at 84
⁵⁹ See Edelman at 642 (citing *Denver Rockets v. All-Pro Mgmt., Inc.*, 325 F. Supp. 1049, 1062 (C.D. Cal. 1971)(citing 15 U.S.C. § 1)
⁶⁰ Id. at 642
⁶¹ Champion at 84
⁶² See Edelman at 640 (citing Edelman & Harrison, *supra* note 45, at 13 (citing *Nat'l Soc'y of Prof'l Engineers v. United States*, 435 U.S. 679, 689 (1978)).
⁶³ Champion at 84
⁶⁴ Edelman at 641
⁶⁵ Id.
⁶⁶ Edelman at 642 (citing *Copperweld Corp. v. Independence Tube Corp.*, 467 U.S. 752, 769 (1984)
⁶⁷ Id. at 643 (citing 670 F.2d 1249 (2d Cir. 1982)).

⁶⁸ *Id.* at 645

⁶⁹ See Edelman at 54

⁷⁰ *Id.*

⁷¹ John C. Weistart, *Player Discipline in Professional Sports: The Antitrust Issues*, 18 WM. & MARY L. REV. 703, 710–13 (1977)

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Edelman at 648 (citing *Denver Rockets v. All-Pro Mgmt., Inc.*, 325 F. Supp. 1049, 1066-67 (C.D. Cal. 1971))

⁷⁵ *Id.*

⁷⁶ *Id.* at 648

⁷⁷ See NFL Collective Bargaining Agreement

⁷⁸ Champion at 57

⁷⁹ *Id.* Also See NFL CBA

⁸⁰ See NFL CBA

⁸¹ *Id.*

⁸² *Id.*

⁸³ Erik Matuszewski, NFL Union Demands independent arbitrator for Peterson appeal, Bloomberg.com (Nov. 21, 2014) <http://www.bloomberg.com/news/2014-11-20/nfl-union-demands-arbitrator-over-goodell-for-peterson-appeal.html> (Last visited Nov. 30, 2014)

⁸⁴ Champion at 77

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ See Personal Conduct Policy

⁸⁸ See NFL CBA

⁸⁹ Martha Pease, NFL should curb Goodell’s control over discipline, cnn (Sept. 15, 2014),

⁹⁰ Mark Fainaru-Wada, OTL: NFL didn’t enforce own policies, espn.go.com (Nov. 12, 2014), http://espn.go.com/espn/otl/story/_/id/11849798/outside-lines-most-nfl-players-domestic-violence-cases-never-missed-down (Last visited Dec. 1, 2014)

⁹¹ *Id.*

⁹² *Id.*

⁹³ Meghan Keneally, How the NFL has punished players for domestic violence, abcnews.go.com (Sept. 19, 2014), <http://abcnews.go.com/US/nfl-punished-players-arrested-domestic-violence-goodell-era/story?id=25534452> (Last visited Nov. 24, 2014)

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² See Clark, Why NFL commissioner, online.wsj.com (Oct. 7, 2014)

¹⁰³ *Id.*

¹⁰⁴ Espn.com news services, NFL: Terrelle Pryor Ok for draft, espn.go.com (Aug. 19, 2011), http://espn.go.com/nfl/story/_/id/6873163/terrelle-pryor-eligible-nfl-sit-first-five-games (Last visited Nov. 30, 2014)

-
- ¹⁰⁵ Craig Ellenport, NFL's position on Pryor strengthens relationship with NCAA, nfl.com (Aug. 19, 2011), <http://www.nfl.com/news/story/09000d5d82193f5b/article/nfls-position-on-pryor-strengthens-relationship-with-ncaa> (Last visited Dec. 1, 2014)
- ¹⁰⁶ Marc Edelman, Ray Rice suspension is in line with NFL precedent for domestic abuse, but not with Goodell's other punishments, forbes.com (Aug. 8, 2014) <http://www.forbes.com/sites/marcedelman/2014/08/04/ray-rice-suspension-is-in-line-with-nfl-precedent-for-domestic-abuse-but-not-with-goodells-other-punishments/> (Last visited Nov. 27, 2014)
- ¹⁰⁷ Clark, *supra* note 1
- ¹⁰⁸ Louis Bien, A complete timeline of the Ray Rice assault case, sbnation.com (Nov. 28, 2014), <http://www.sbnation.com/nfl/2014/5/23/5744964/ray-rice-arrest-assault-statement-apology-ravens> (Last visited Dec. 1, 2014)
- ¹⁰⁹ Id.
- ¹¹⁰ Id.
- ¹¹¹ Id.
- ¹¹² Id.
- ¹¹³ Id.
- ¹¹⁴ Id.
- ¹¹⁵ Id.
- ¹¹⁶ Id.
- ¹¹⁷ Bill White, Ray Rice incident caught on camera, but that's a rarity, mcall.com (Sept. 12, 2014), <http://www.mcall.com/opinion/white/mc-bw-domestic-violence-20140912-story.html> (Last visited Oct. 23, 2014)
- ¹¹⁸ Lorenzo Reyes, Roger Goodell pledges more transparency, new measures, usatoday.com (Sept. 19, 2014) <http://www.usatoday.com/story/sports/nfl/2014/09/19/live-updates-nfl-commissioner-roger-goodell-on-domestic-violence/15896107/> (Last visited Oct. 7, 2014)
- ¹¹⁹ Id.
- ¹²⁰ Id.
- ¹²¹ See Edelman, Ray Rice suspension, Forbes.com (Aug. 1, 2014)
- ¹²² Id.; <http://legal-dictionary.thefreedictionary.com/double+jeopardy> (provides legal definition of double jeopardy) (last visited Oct. 19, 2014)
- ¹²³ Id.
- ¹²⁴ Ryan Glasspiegel, Bill Simmons on Roger Goodell: "Why don't we care that he bent the truth?" thebiglead.com (Nov. 5, 2014) <http://thebiglead.com/2014/11/05/bill-simmons-on-roger-goodell-why-dont-we-care-that-he-bent-the-truth/> (Last visited Nov. 15, 2014)
- ¹²⁵ Id.
- ¹²⁶ Jarrett Bell, Ozzie Newsome's integrity could seal case for Ray Rice, usatoday.com (Nov. 4, 2014) <http://www.usatoday.com/story/sports/nfl/ravens/2014/11/04/ozzie-newsomes-integrity-could-seal-case-for-ray-rice/18492855/> (Last visited Nov. 15, 2014)
- ¹²⁷ Id.
- ¹²⁸ Steve Dimatteo, A timeline of the Adrian Peterson child abuse case, sbnation.com (Sept. 17, 2014), <http://www.sbnation.com/2014/9/17/6334793/adrian-peterson-child-abuse-statement-vikings-timeline> (Last visited Nov. 25, 2014)
- ¹²⁹ Id.
- ¹³⁰ Id.
- ¹³¹ Id.
- ¹³² Id.

¹³³ Jarrett Bell, NFL owners unwavering in Roger Goodell support, *usatoday.com* (Oct. 9, 2014), <http://www.usatoday.com/story/sports/nfl/2014/10/08/owners-meetings-roger-goodell-domestic-violence/16948139/> (Last visited Nov. 20, 2014)

¹³⁴ See NFL Personal Conduct Policy *available at*

<http://images.nflplayers.com/mediaResources/files/2014%20Personal%20Conduct%20Policy.pdf>

¹³⁵ Jarrett Bell, Jim Irsay's suspension didn't meet NFL's higher standard for owners, *usatoday.com* (Sept. 2, 2014)

<http://www.usatoday.com/story/sports/nfl/columnist/bell/2014/09/02/jim-irsay-colts-suspension-higher-standard-roger-goodell/14981489/> (Last visited Nov. 15, 2014)

¹³⁶ Mike Lupica, Roger Goodell and NFL are protecting a 'shield' that fails to protect its own players and families, *NYdailynews* (Sept. 14, 2014),

<http://www.nydailynews.com/sports/football/lupica-shield-nfl-protecting-article-1.1938945> (Last visited Dec. 1, 2014)

¹³⁷ Peter Keating, What's in a name?, *espn.go.com* (Aug. 17, 2013),

http://espn.go.com/nfl/story/_/id/9540075/dan-snyder-refuses-change-washington-redskins-mascot-espn-magazine (Last visited Nov. 29, 2014)

¹³⁸ *Id.*

¹³⁹ Theresa Vargas, Federal agency cancels Redskins trademark registration, says name is disparaging, *the washingtonpost* (June 18, 2014), http://www.washingtonpost.com/local/us-patent-office-cancels-redskins-trademark-registration-says-name-is-disparaging/2014/06/18/e7737bb8-f6ee-11e3-8aa9-dad2ec039789_story.html (Last visited Nov. 29, 2014)

¹⁴⁰ Mike Florio, Dan Snyder issues statement in support of Goodell, *profootballtalk.nbcsports.com* (Sept. 13, 2014),

<http://profootballtalk.nbcsports.com/2014/09/13/dan-snyder-issues-statement-in-support-of-roger-goodell/> (Last visited Nov. 25, 2014)

¹⁴¹ Associated Press, Pilot Flying J to pay \$92 million dollar fine, *espn.go.com* (July 14, 2014), http://espn.go.com/nfl/story/_/id/11214330/jimmy-haslam-company-pilot-flying-j-pay-92m-fine (Last visited Nov. 30, 2014)

¹⁴² Jeff Gray, Jim Irsay suspended 6 games, fined, banned from tweeting about NFL, *sbnation.com* (Sept. 2, 2014), <http://www.sbnation.com/nfl/2014/9/2/5866029/jim-irsay-colts-owner-suspension> (Last visited Nov. 30, 2014)

¹⁴³ *Id.*

¹⁴⁴ Ryan Wilson, Report: woman dead of overdose found in home bought by Irsay, *cbssports.com* (April 7, 2014), <http://www.cbssports.com/nfl/eye-on-football/24517897/report-woman-who-died-of-overdose-found-in-home-bought-by-irsay> (Last visited Nov. 30, 2014)

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*; see also Gray, Jim Irsay Suspended, *sbnation.com* (Sept. 2, 2014)

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ See Personal Conduct Policy, *supra* note 2

¹⁵⁰ *Id.*

¹⁵¹ Todd Smith, Ray Rice image sacks NFL image, identity, *msbusiness.com* (Sept. 19, 2014), <http://msbusiness.com/blog/2014/09/19/todd-smith-ray-rice-crisis-sacks-nfl-image-identity/> (Last visited Nov. 15, 2014)

¹⁵² Julian Long, Black mens excuses for Ray Rice sound a lot like the one's Darren Wilson's supporters used, *washingtonpost* (Sept. 10, 2014), <http://www.washingtonpost.com/posteverything/wp/2014/09/10/black-mens-excuses-for-ray-rice->

[sound-a-lot-like-the-ones-darren-wilsons-supporters-used-in-ferguson/](#) (Last visited Nov. 25, 2014)

¹⁵³ Richard Shapiro, Eagles Riley Cooper caught hell last year for yelling N-Word at Kenny Chesney concert, NYdailynews (Feb. 22, 2014), <http://www.nydailynews.com/sports/football/eagles-riley-cooper-caught-hell-yelling-n-word-article-1.1698856> (Last visited Nov. 15, 2014)

¹⁵⁴ Gene Frenette, Riley Cooper's error should spark conversations, mayportmirror.jacksonville.com (Aug. 13, 2013), <http://mayportmirror.jacksonville.com/opinion/premium/blog/401949/gene-frenette/2013-08-03/gene-frenette-riley-cooper-s-error-should-spark> (Last visited Nov. 15, 2014)

¹⁵⁵ Espn.com news services, Survey reveals NFL fans opinions, espn.go.com (Oct. 8, 2014), http://espn.go.com/nfl/story/_/id/11662933/poll-shows-roger-goode-ll-stay-adrian-peterson-only-not-guilty (Last visited Nov. 25, 2014)

¹⁵⁶ Elias Isquith, Rush Limbaugh's just asking: Are we "going to have to execute Ray Rice?" salon.com (Sept. 10, 2014), http://www.salon.com/2014/09/10/rush_limbaugh_asks_are_we_%E2%80%9Cgoing_to_have_to_execute_ray_rice%E2%80%9D/ (Last visited Oct. 1, 2014)

¹⁵⁷ TMZ.com, Ricky Williams: Black People don't have a problem with Adrian Peterson (Nov. 11, 2014) <http://www.tMZ.com/2014/11/11/ricky-williams-black-people-dont-have-a-problem-with-adrian-peterson/> (last visited Nov. 25, 2014)

¹⁵⁸ Darrin Gantt, Reggie Bush defends Adrian Peterson, spanking, profootballtalk.nbcsports.com (Sept. 17, 2014) <http://profootballtalk.nbcsports.com/2014/09/17/reggie-bush-defends-adrian-peterson-spanking/> (Last visited Nov. 26, 2014)

¹⁵⁹ Greg Johnson, NCAA gets billions and students get none of it, thenation.com (April 9, 2014) <http://www.thenation.com/blog/179272/ncaa-makes-billions-and-student-athletes-get-none-it> (Last visited Nov. 15, 2014)

¹⁶⁰ Mike Rutherford, Why don't people want to talk about the North Carolina scandal, sbnation.com (Oct. 27, 2014), <http://www.sbnation.com/college-basketball/2014/10/27/7079097/north-carolina-academic-scandal-basketball-sanctions-roy-williams> (Last visited Nov. 15, 2014)

¹⁶¹ Richard Sherman, Stardom doesn't change where you're from, mmqbsi.com (April 2, 2014), <http://mmqb.si.com/2014/04/02/richard-sherman-desean-jackson/> (Last visited Nov. 25, 2014)

¹⁶² See Personal Conduct Policy

¹⁶³ Richard Sherman, Stardom doesn't change where you're from, mmqbsi.com (April 2, 2014)

¹⁶⁴ Mark Fainaru-Wada, OTL: NFL didn't enforce own policies, espn.go.com (Nov. 12, 2014)

¹⁶⁵ Adam Edelman, Congress could investigate NFL's handling of Ray Rice debacle, Sen, Gillibrand Says, NYdailynews (Sept. 14, 2014) <http://www.nydailynews.com/news/politics/congress-investigate-nfl-handling-ray-rice-debacle-senator-article-1.1939339> (Last visited Sept. 30, 2014)

¹⁶⁶ Id.

¹⁶⁷ Louis Bien, A complete timeline of the Ray Rice assault case, sbnation.com (Nov. 28, 2014)

¹⁶⁸ Id.

¹⁶⁹ Michael David Smith, NFLPA statement on Rice highlights neutral arbitration, profootballtalk.nbcsports.com (Nov. 6, 2014), <http://profootballtalk.nbcsports.com/2014/11/06/nflpa-statement-on-ray-rice-case-highlights-neutral-arbitration/> (Last visited Dec. 2, 2014)

¹⁷⁰ Id.

¹⁷¹ Marc Edelman, Ray Rice's NFL reinstatement should surprise nobody, Forbes (Nov. 28, 2014), <http://www.forbes.com/sites/marcedelman/2014/11/28/ray-rices-nfl-reinstatement-should-surprise-nobody/> (Last visited Dec. 2, 2014)

¹⁷² Id.

¹⁷³ Jill Martin, Rice wins suspension appeal, cnn (Nov. 30, 2014), <http://www.cnn.com/2014/11/28/us/ray-rice-reinstated/> (Last visited Dec. 2, 2014)

¹⁷⁴ Id.

¹⁷⁵ Brain Lambert, NFL arbiter hears Adrian Peterson appeal (Dec. 3, 2014), <http://www.minnpost.com/glean/2014/12/nfl-arbitrator-hears-adrian-petersons-appeal> (Last visited Dec. 3, 2014)

¹⁷⁶ Mike Florio, Union braces for unilateral changes to personal conduct policy, profootballtalk.nbcsports.com (Nov. 28, 2014), <http://profootballtalk.nbcsports.com/2014/11/28/union-braces-for-unilateral-changes-to-personal-conduct-policy/> (Last visited Dec. 2, 2014)

¹⁷⁷ Mike Florio, Senate hearing in professional sports happens Tuesday, profootballtalk.nbcsports.com (Dec. 1, 2014), <http://profootballtalk.nbcsports.com/2014/12/01/senate-hearing-on-domestic-violence-in-professional-sports-happens-tuesday/> (Last visited Dec. 3, 2014)