

True Patriotism: What the NFL and Donald Trump don't understand about America

By Craig DeMelo

During a twelve-hour filibuster over flag desecration in the late 1980s, Texas State Senator Craig Washington famously said that he “preferred a man who will burn the flag and wrap himself in the constitution to a man who will burn the constitution and wrap himself in the flag.” His efforts failed, but his clever antimetabole lives on as a potent reminder about the sanctity of the Freedom of Expression. Unfortunately, the echoes of Washington's words have yet to reach those who paradoxically believe that patriotism trumps the rights of the individual.

Last week, **after caving to boycotts and the ramblings of President Trump**, the NFL decided that kneeling during the anthem would result in a fine. Now players who are on the field must stand or remain in the locker room. This is not compromise. And it's certainly not about the rights of a private organization to police their employees. It is an affront to the Bill of Rights, is redolent of tyranny, smacks of racial animus, and is insulting to the veterans Trump and the NFL purport to respect.

The value of patriotism lies in the fact that it is optional. Making flag and anthem reverence compulsory defeats the point. When people are standing proudly with their hands over their hearts singing the Star Spangled Banner, the moment is beautiful because they could have done otherwise. Threatening to fine those who don't stand is patriotism via extortion. Few things are more shameful and un-American than mandatory love of country. We should stand because we choose to. The moment

standing becomes required is the moment we should all stop standing.

The NFL is a private organization. And yes, the Bill of Rights has to do with the government's ability to restrict freedoms. (Although I can easily see someone kneeling, appealing a fine, and taking this case all the way to the SCOTUS). But this is not some ordinary organization making a decision. This is one of the biggest entertainment corporations in America responding—at least in part—to public pressure from the President of the United States.

Donald Trump has encouraged owners to remove players who kneel (or more accurately to **"get that son of a bitch off the field"**) and this week mused that perhaps the peaceful protesters should **"not be in the country."** He stated unequivocally that "You have to stand proudly for the National Anthem or you shouldn't be playing." Let that last sentence wash over you for a moment. The President of the "land of the free" believes that a person's livelihood should be tied to their willingness to demonstrate "pride" for the country. To put it another way: he expects free citizens to capitulate or lose their jobs. There is little doubt that if Trump had his druthers, standing for the anthem would be the law of the land.

It's not hyperbole to say this is the stuff of fascism. At the risk of invoking Godwin's Law, consider a 1933 German statute that required Germans to do the Nazi salute during the Deutschlandlied—the German National Anthem. It declared that "anyone not wishing to come under suspicion of behaving in a consciously negative fashion will, therefore, render the Hitler Greeting." The bottom line is the President should never pressure private organizations to adhere to his beliefs, and he especially shouldn't be in the business of extolling the virtues of compulsory jingoism.

The first amendment states that the government "shall make no law...abridging the freedom of speech." The NFL's injunction may

not be a law, but the government—in this case, President Trump—is actively lobbying for a company to restrict this sacred freedom because some view taking a knee as an insult to the country and the troops. With a little scrutiny, this notion of offensiveness is rendered absurd. First, kneeling—apart from being a silent and peaceful form of protest—is generally seen as a gesture of reverence. Kaepernick switched his protest from sitting to kneeling at the behest of Nate Boyer, a Green Beret, **who believed kneeling was a compromise that allowed Colin to express his discontent in a respectful manner.** Moreover, there are other ways that NFL players could stand and still be subversive should they choose to do so. They could turn their back on the flag. They could raise a mutinous fist. Then what? A new ordinance addressing any variations of protest?

As some have pointed out, **there is also a racial element** in this ruling which is difficult to ignore. The owners, the overwhelming majority of whom are white, voted unanimously—without consulting the players' union—to stifle the protests done predominately by black players who are using their platform to address an issue affecting the black community. There is the inescapable air of “know your place” masquerading as patriotism. **The Washington Post published polling data** that puts overall disapproval of the protests at just over 50%. But the numbers change along racial lines. About 70% of African Americans see no problem with the protest, while 60% of white Americans do. This decision says plainly which side of the issue owners are on and that the NFL doesn't care about these players' concerns (70% of whom are African American); they appear to care only about the ratings and profits which depend upon appeasing their white viewership—and, of course, the President.

Finally, and obviously, this rule is far more disrespectful to soldiers and veterans than the act of kneeling. **Consider the very first line from the oath** taken by a member of the United

States military:

"I, (NAME), do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic..."

It doesn't mention the flag or the anthem (two words which are also conspicuously absent from the Bill of Rights). Instead it states emphatically that the most important duty of the U.S. soldier is to "support and defend the constitution." The first amendment enshrines the freedom of expression. Therefore, to restrict this right for an American is to literally withhold THE VERY THING SOLDIERS FIGHT FOR IN THE FIRST PLACE.

What could be more insulting to a vet than a rule that negates their sacrifice? It's especially amusing to hear people take this line: "Why don't you show some respect to the soldiers who fought for your right to kneel?" Just repeat the question a few more times and perhaps you will absorb the irony.

This decision by the NFL is being touted as a win for President Trump. He managed to cow the owners and Roger Goodell and toss a bone to his base. But what is being portrayed as a win for respect and tradition is an undisguised assault on individual rights. They've not only thrown the baby out with the bathwater, they've turned around and set fire to the bathroom. If this is a victory, it is a Pyrrhic one.

Whether we think a person should or should not express themselves a certain way is beside the point. Expression must be allowed. We cannot cower to those who boycott or burn campuses or bully from twitter. We cannot allow ourselves to give into the jingoism and ultranationalism which feature in the despotic countries against whom those brave men and women have fought. We cannot forsake our most important values. These freedoms—to speak, to assemble, to dissent—are the very bedrock of America. Forget flags and songs, defending these freedoms is true patriotism.

Donald Trump, his supporters, and the NFL are missing this point. So perhaps I will try to encapsulate it in my own lapidary witticism:

The flag and the anthem are symbols that stand for our country.

The Constitution and the Bill of Rights are what our country stands for.

It's time people understood the difference.