

Bathroom Reader

The More You Go, The More You Know

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COLIN KAEPERNICK, #YOU'RE [STILL] FIRED?



Do NFL players have the right to kneel during the national anthem? Former San Francisco 49ers QB Colin Kaepernick—who, “on bended-knee”, ignited the ongoing series of NFL protests against police brutality and racial injustice held during pre-game presentations of the national anthem—has remained unemployed since the end of the 2016 season.

On October 16, 2017, Kaepernick filed a complaint against NFL owners for colluding to keep him out of the league in violation of the Collective Bargaining Agreement (CBA). His claim will be difficult to argue. While the CBA provides legal redress when owners and teams conspire about or against signing a player, it also clearly states that the mere fact that the player is unsigned, or evidence about the player's qualifications, do not constitute proof of collusion. A factor in Kaepernick's favor may be found at the White House. Trump's communications with the NFL, some of which are part of the public record, can be used as evidence to support Kaepernick's

collusion allegations.

The controversy does not stop with Kaepernick. After Dallas Cowboys owner, Jerry Jones, said he would bench players who protested, a local union filed a complaint on behalf of the Cowboy players. With the NFL commissioner, Roger Goodell, already backtracking on taking “a hard line” on anthem protests, it seems the complaint has a good chance of winning which means NFL players can have greater confidence in their right to protest.

Despite the possibility of not having their contracts renewed, NFL players have many legal protections, like the National Labor Relations Act, that guarantee their right to free speech. Additionally, most players have the benefit of strong collective bargaining agreements with the players' union, individual contracts, federal and state anti-discrimination laws, and in some jurisdictions, employee protections for free speech.

With a series of rage tweets between the President and players from other leagues, it is clear that we have yet another “free speech for me but not for thee,” issue dividing our nation.

#PROCEDURE&SOCIAL- MOVEMENTS



What's a police officer to do when they're injured by a flying chunk of concrete at a protest in Louisiana? According to Chief Judge Brian Jackson of the U.S. District Court in Baton Rouge, the answer cannot be to sue #blacklivesmatter.

The unnamed officer filed in federal court to recover damages from DeRay McKesson (a prominent activist and protest organizer) and #blacklivesmatter for injuries sustained during a protest of the fatal shooting of Alton Sterling, a black man, by a white Baton Rouge police officer in July 2016. What followed was a procedural smack down from defense attorneys.

Chief Judge Jackson granted the defendant's motion to dismiss based on FRCP 12(b)(6) (queue Iqbal flashback) and 9(a) (party has capacity to be sued), dismissing the matter with prejudice. The court criticized the plaintiff's attorneys for having “either a gross lack of understanding of the concept of capacity or bad faith” in their attempt to sue #blacklivesmatter.

However, the court did acknowledge that individuals and groups involved with the movement may be brought into court. Unfortunately for Officer Doe, the judges were not convinced that McKesson went beyond his First Amendment rights to incite violence at the protest. After the hearing, McKesson said: “It's clear that I did nothing wrong that day...The movement began as a call to end violence and that call remains the same today.”

