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Black Quarterback, White Masks: A Critical Analysis of the NFL Anthem Protests

Abstract

The NFL anthem protests were and are an important cultural moment and social movement. The widespread emulation of the protest, and the adoption of the kneel as a symbol of unity, reverence, and silent objection demonstrates the protests' continued relevance. This dissertation critically analyzes Colin Kaepernick's protest through the lens of racial rhetorical criticism (Flores, 2016) and Fanonian communication studies (Townes, 2020). Through the case studies of David Brooks, Lee Siegel, and Colin Fleming, and their *New York Times* opinion pieces on Kaepernick from 2016-17, this study argues that the common discourses surrounding the protest exist within the strategic rhetoric of whiteness (Nakayama and Krizek, 1995). The analysis of these texts and of scholarly literature on the protests creates implications for racial rhetorical criticism, new materialism, and social movement rhetoric. This dissertation works to mark and incorporate whiteness into its analysis by critically questioning what constitutes the human. In this pursuit, this study articulates that Kaepernick's body is used as a medium for the re-establishment of a Western subjectivity (Leong, 2016; Townes, 2019, 2020).

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In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

by

Cody Walizer

June 2023

Advisor: Dr. Darrin Hicks

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Abstract

The NFL anthem protests were and are an important cultural moment and social movement. The widespread emulation of the protest, and the adoption of the kneel as a symbol of unity, reverence, and silent objection demonstrates the protests' continued relevance. This dissertation critically analyzes Colin Kaepernick's protest through the lens of racial rhetorical criticism (Flores, 2016) and Fanonian communication studies (Towns, 2020). Through the case studies of David Brooks, Lee Siegel, and Colin Fleming, and their *New York Times* opinion pieces on Kaepernick from 2016-17, this study argues that the common discourses surrounding the protest exist within the strategic rhetoric of whiteness (Nakayama and Krizek, 1995). The analysis of these texts and of scholarly literature on the protests creates implications for racial rhetorical criticism, new materialism, and social movement rhetoric. This dissertation works to mark and incorporate whiteness into its analysis by critically questioning what constitutes the human. In this pursuit, this study articulates that Kaepernick's body is used as a medium for the re-establishment of a Western subjectivity (Leong, 2016; Towns, 2019, 2020).

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Chapter One: On the *Mattering* of Colin Kaepernick

Over six years have passed since the NFL anthem protests innocuously began with Colin Kaepernick sitting on the bench during the pregame rendition of the national anthem in August 2016. It was a forgettable preseason game. Kaepernick played a small role, piloting a handful of drives in the second quarter. Had it not been for the photograph below (Figure 1.1 below), which became widely circulated after a 49ers fan blog aggregated it (Lee Chan, 2016; Sandritter, 2016), perhaps Kaepernick's protest would have continued unnoticed, as it had the week before (Sandritter, 2016). Jennifer Lee Chan posted the photograph in a tweet (See Figure 1 below). She writes, "I was in the press box during the game and tweeted out a picture of the sidelines during the game in comedic reference to the show *Hard Knocks*. Little did I know that the same photo provided proof that the Kaepernick was indeed seated during the [sic] singing of the Star Spangled Banner." (Lee Chan, 2016). A closer look (see Figure 2 below) reveals Kaepernick seated during the performance of the anthem, barely visible between some large jugs of Gatorade.

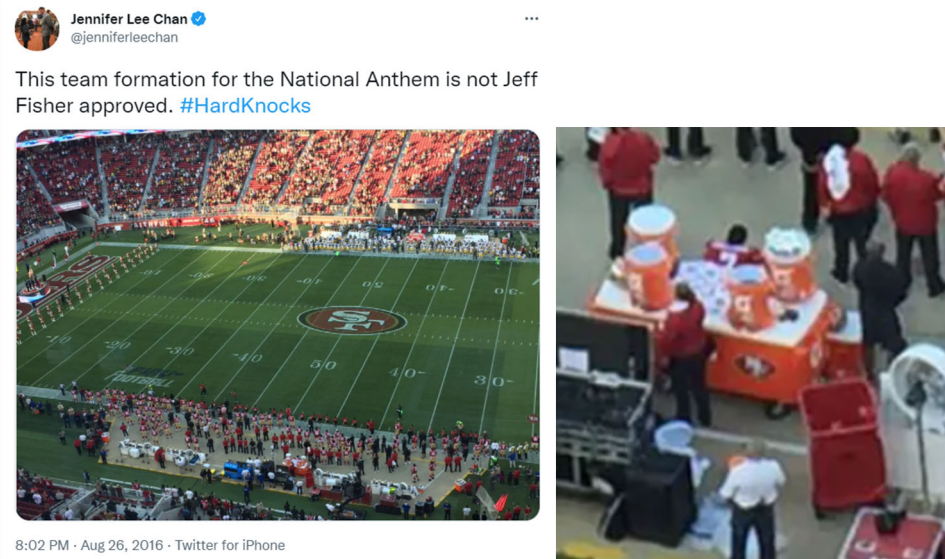


Figure 1 - Jennifer Lee Chan’s Tweet and a Zoomed in view of Kaepernick

Yes, this is the underwhelming image that sparked the NFL anthem protests. As Mike Florio of ProFootballTalk pointed out, “On a night that was supposed to be significant for what 49ers quarterback Colin Kaepernick did on the field, what he didn’t do while off the field will create even bigger headlines” (Florio, 2016). Florio was perhaps more correct than he could have imagined. On August 28, 2016, Colin Kaepernick explained his reasons for sitting rather than standing during the pregame performance of the national anthem on August 26th,

“I’m going to continue to stand with the people that are being oppressed. To me, this is something that has to change. When there’s significant change and I feel that flag represents what it’s supposed to represent, and this country is representing people the way that it’s supposed to, I’ll stand” (Sandritter, 2016).

At this point, Kaepernick’s protest has been more than widely discussed, and the protests have been over for multiple years. The NFL re-iterated and updated its national anthem policy (Haislop, SportingNews, 2020), although it has never disciplined any

player for an act of protest performed during the national anthem. The content and controversy of the NFL anthem protests appear to be settled. And yet, as we saw during the public outcry in the summer of 2020 following the murders of Ahmaud Arbery, Breonna Taylor, and George Floyd (among others), Colin Kaepernick's words, image, and the *movement* his protest represents still hold great significance for many people. The present study aims to add to the growing body of rhetorical criticism that analyzes the NFL anthem protests as a rhetorical engagement. This dissertation is founded on the following questions: how can we re-read the discourse concerning the NFL anthem protests which centers the framework of valorous speech? How are sports in general and American football specifically implicated in our understanding of American patriotism? Finally, how are athletes in general and Colin Kaepernick specifically used as a medium for the re-establishment of the "human?"

Utilizing three New York Times opinion articles as case studies, I explore how Colin Kaepernick's protest "exemplified how men's professional sport in the United States has the rhetorical power to both challenge and contribute to dominant racial and gender ideologies that maintain whiteness" (Cramer, 2019, p.57). Each of these articles provides a different angle on the foundational questions of this project. The first article, David Brooks' "The Uses of Patriotism" decries Kaepernick's protest as an example of invalid speech which threatens patriotism—our "national religion." The second article, Lee Siegel's "Why Kaepernick Takes the Knee," articulates that the audience should understand Kaepernick's protest as valorous, patriotic speech. The final case study, Colin Fleming's article "Maybe Colin Kaepernick is Just Not That Good," argues that we

should situate Colin Kaepernick's act of protest in a purely meritocratic context. Each of these articles makes an argument which valorizes or invalidates the protest as a speech act; measures the impact of athlete protest on patriotism; and attempts to fashion a common subjectivity between the author and audience.

Much like Cramer, "Using critical rhetorical analysis (McKerrow, 1989) as a method as a method of analysis and critique, and informed by critical whiteness studies (Nakayama & Krizek, 1995) and Black feminist thought (Collins, 1991)," this project argues that Colin Kaepernick and the NFL anthem protest can be beneficially understood in terms of "matter" (Leong, 2016; Towns, 2018). Matter, in this context, can be read as a radical re-application of materiality to subjectivity in which certain people are treated as matter--as the inanimate, moveable, *affectable* material that is distinct from (human) forms of life. By applying the concept of matter as offered by Leong and Towns to the frame offered by Nakayama and Krizek, this dissertation seeks to answer the imperative call for radical racial rhetorical criticism (Wanzer-Serrano, 2015; Flores, 2016; Towns, 2018, 2020).

I conclude that the (racialized) athlete's body acts as a medium for the self-conception of (white) American culture. I see Colin Kaepernick not as a lens through which to explore the particularities of the platform that is the playing field, but rather as an example of a larger social trend: the overrepresentation of one "genre" of humanness (Wynter, 2001; Towns, 2016). This is to move from what Towns calls talking about what the black body *means* to talking about what the black body *does*. I situate this argument around three strategies of whiteness (Nakayama and Krizek, 1995) that emerge in the

discourse surrounding Colin Kaepernick: whiteness as European (p. 302), whiteness as crudely tied to power (p. 298), and whiteness as natural/scientific (p. 300). I contend that each of these strategies is paradigmatically exemplified by a *New York Times* opinion piece that interpreted the protests as they progressed. The work of sociologists Montez de Oca and Suh (2020) is key to the analysis offered here, as they provide a comprehensive discourse analysis of the NFL anthem protests and identify “the two primary positions on the protests” (p. 564): patriarchal patriotism and constructive patriotism. They write,

“In this article, we offer a framework for understanding the two primary positions on the protests. Analyzing this dispersion of texts, we found that people making critical statements about the protests see the nation as vulnerable and in need of protection. We call this “patriarchal patriotism” (PP) since it holds that institutions of authority protect citizens from internal and external dangers, and therefore citizens owe them loyalty and deference. Most protest proponents see the nation as imperfect, but improvable through the active participation of citizens. We call this “constructive patriotism” (CP) since it holds that citizens have an ethical obligation to oppose inequities and work on the nation through protest and dissent (Schatz et al., 1999). We argue that the differences and division in these positions are two sides of the same patriotic–racial coin” (ibid).

This dissertation expands upon the conclusion that the two dominant frames of patriarchal patriotism and constructive patriotism can characterize the majority of “off-the-field” discourse that is applied to Colin Kaepernick. Furthermore, the oppositional standpoints of patriarchal patriotism (chapter 2) and constructive patriotism (chapter 3) are each examined as central to the strategies of whiteness analyzed in this dissertation.

To better foreground this argument, the rest of this chapter unfolds as follows. I first outline my understanding of the contemporary “sports/media complex” (Jhally, 1984) in the United States. Here, I conclude that American sports culture is exemplified and performed through and within the NFL product, which acts to mediate the collective

experience of American culture. Furthermore, I interrogate how black athlete activism has (always) been a part of the sports/media complex. I move from a discussion of athlete racialization in the broad sense to the theoretical frameworks I seek to operationalize in this dissertation: whiteness as a strategic rhetoric (Nakayama and Krizek, 1995) and patriarchal/constructive patriotism (Montez de Oca and Suh, 2020). Unpacking the theoretical lens of whiteness as a strategic rhetoric requires an analysis of De Certeau's idea of strategy and tactics, Deleuze and Guattari's assemblage, and Foucault's discursive formation (Nakayama and Krizek, p. 294). Finally, I extend these frameworks by introducing them to Black feminist new materialism (Leong, 2016; Towns, 2019). Subsequently, I move to discuss the methodology of this work in the context of the critical work on racial rhetorical criticism that has emerged as a response to the whiteness of the discipline of communication studies (Chakravartty et al., 2018). Finally, I touch on the three analysis chapters to come and their texts for analysis.

Theorizing Whiteness and Blackness in the NFL Anthem Protests

In August of 2021, the National Football League (NFL) signed media deals totaling more than \$100 billion dollars for their broadcast rights to a group of media conglomerates, including Amazon and Disney (CNN, March 2021). The NFL is so popular that the first round of its annual draft (where no football is played in any manner) receives higher ratings than the NBA Finals (Traina, Oct. 2021). According to Sports Media Watch, "The past ten Super Bowls rank as the ten most-watched all-time, and the past eight rank as the eight most-watched programs in U.S. television history" (Sports Media Watch, 2021). The NFL is the dominant figure in American sports, and the

competition is not all that close. So, when Super Bowl contending quarterback Colin Kaepernick refused to stand for the traditional pregame rendition of the National Anthem, it was international news. Kaepernick got my attention specifically because I grew up as a fan of his team. The San Francisco 49ers are a premier NFL franchise, having won five Super Bowls in seven appearances. My father grew up in San Francisco and played football at Lowell High School. I grew up watching, playing, and thinking football through the lens of rooting for the 49ers. The *Madden* video games were fixtures of my childhood. This is to say, I do not exist without American football, without American sports culture. My personal orientation to the entity that is the NFL is but one of many reasons I believe that the NFL anthem protests warrant critical scholarly examination.

The Sports/Media Complex

Sports, which are commonly represented on a global scale by their professional leagues, are a dominant organizing force in society. Now, more than ever, people can participate in sports culture and sports fandom in varied ways. Sports gambling has been legalized in over 33 states as of early 2023 (Preciado, Forbes, 2023). The world of sports media has even expanded into officially licensed NFTs with the development of NBA TopShot (nbatopshot.com) and NFL All Day (nflallday.com). Along with the rise in the variability of sports media, there has been a subsequent rise in athlete expression and activism. Athletes and other celebrities have been fully immersed in a world of mediation and technological integration which means they have more of a platform than ever before. Prominent athletes are often asked to share their opinions on ongoing social matters, such as vaccination, the environment, and mental health awareness. This

dissertation argues that the immersion of the professional athlete in this web of digital communication technologies is an extension of what Sut Jhally (1984) calls the sports/media complex. To extend Jhally, I argue that the sports/media complex is an inherently racialized discursive construction that has (always) depended on and interfaced with the black body. This is to say that the “product” of the NFL and other sports leagues is inherently the labor of (mostly black and brown) athletes. The labor they perform with their bodies is the primary spectacle of sporting broadcasts and sports media.

Jhally (1984) uses the sports/media complex as a central example of how contemporary capitalism is constituted through material and cultural relationships. Jhally writes, “The example of the sports/media complex is important because it allows us to highlight in a spectacular fashion the truly dialectical nature of material/cultural relationships in advanced capitalism” (1984, p. 55). Jhally uses a Marxist framework to argue that the sports/media complex is the nexus in which consumer audiences interact with sports. It represents the amalgam of broadcast media, print media, and now new media that compose the material practice of sports consumption. The sports/media complex describes the modern idea of spectator sports and how the material consumptive practices of watching sports have historically developed. Two important layers in Jhally's description warrant further investigation here.

The first layer is that sports themselves have inherently been influenced by their spectatorship. Jhally writes, “Sports change their rules and their playing times to attract mass audiences and accommodate network demands” (p.50). This makes sense on its face but is not necessarily obvious to the casual observer, especially because sports are

typically portrayed as somewhat static mainstay traditions of our society. In reality, sports have changed rapidly, and as Jhally points out, they have developed alongside our other economic modes of production. The sports/media complex emphasizes that sports are historical, yes, but they exist in their current forms purely through the logic of monopoly capitalism. The ties between monopoly capitalism and American sports are no more naked than in their constructions as labor organizations that avoid antitrust laws (*Mackey v. NFL*, 1976; *Wood v. NBA*, 1987). To connect this back to the idea of spectatorship and rule changes, professional sports leagues are the dominant figures in sports culture. They heavily influence, if not outright determine how many other aspects of society look: from more localized or ethereal impacts like fashion and inter-regional rivalries to more broad impacts such as patterns of media consumption and production, and physical training and disciplinary apparatuses. Conversely, sports are also determined by their appeal to society. For instance, rule changes that emphasize scoring points in sports such as basketball and football have characterized the conversations within competition committees in the NFL and NBA (Helin, 2018). The assumption here is that audiences prefer offensive production and higher scores than defensive production and, therefore, lower scores. These rule changes exemplify how sports take on a form that appeals to audiences, which Jhally states are an integral part of the sports/media complex.

The importance of this idea for the present analysis is that sports themselves are commodities sold to audiences through advertising and through the experience of watching the game. The experience of watching the game has now been expanded by new types of media interaction such as fantasy football, advanced statistics, and alternate

broadcasts. Furthermore, the labor dynamics of professional sports leagues are public matters. Sports publicize and even advertise periods of free agency, contract negotiation, trade negotiation, and especially the draft system (in which players are conscripted to play for franchises to maintain some parity level). These labor dynamics create a unique public discourse in which players' salaries and employment status (and coaches, executives, and even owners to some degree) are subject to the influence of public opinion and outcry. The calls from fans to move on from a player or acquire the services of one can be based on sport-specific criteria. As audiences influence the rules of sport, they influence the variety of media through which they have access to the game. The capitalist ideas of meritocracy, hard-earned skill, and hyper-quantified performance-based assessment are realized within sports discourse and apply to controversies such as the NFL anthem protests (Griffin and Calafell, 2011).

The second layer of Jhally's analysis is that the sports/media complex directly ties to the military-industrial complex. As a way of understanding American political culture, sports serve a totalizing function, especially in terms of unifying a disparate population of immigrant laborers. Jhally writes,

“The ideological role of sports before 1914 thus helped to legitimate capitalist class relations as fair and democratic, and also aided in the process by which diverse ethnic populations were moulded into new communities that stressed not their class character but ‘Americanism’” (1984, p. 52).

Jhally also describes the supposed unification of the discursive space of sports as one way in which sports are deemed non-political. America—posited as a melting pot of cultures—also associates itself with this supposedly non-judgmental attitude of

acceptance and free-spirited competition. As Jhally argues, the sports/media complex is therefore uniquely connected to developments in American economic and military policy. Jhally demonstrates that after WWII, a shift towards a more military-minded America took place, and thus American football became the focus of American sports. Jhally writes,

“Sports helped to work through a crisis of ideology that a developing monopoly capitalism faced. It is important to stress that football was not imposed upon the audience. Instead the audience elevated it above baseball to mediate a cultural response to the material conditions. In addition this does not imply that baseball is unimportant today. An additional explanation is offered by Hoch (1972) who claims that as American society became more militarized in both material and ideological terms after 1945, so the militarized game of football came to displace baseball in popularity” (p. 53).

Other works from multiple disciplines also focus on the cultural predominance of football and the ties between the NFL and the military-industrial complex (Butterworth and Moskal, 2009; Oates, 2014; Vasquez, 2020). The patriotic branding of the NFL has gone so far as to include military-style gear for players and coaches during the “Salute to Service” promotions for Veteran’s Day (NFL.com). The concept of the sports/media complex is similarly named to the military-industrial complex for this reason as well: the sports/media complex is a way to describe the relationship between sports leagues, governments, media conglomerates, athletes, and fans. In much the same way that the military-industrial complex characterizes American political machinations, the sports/media complex materially characterizes American culture.

Therefore, the NFL anthem protests hold unique significance with the sports/media complex in mind. Black athletes have historically taken part in social

movements around the world and in the United States. The history of black athlete protest in the United States is rich and diverse. From Jackie Robinson to Kareem Abdul-Jabaar, some of the most prominent and globally-recognized sports icons in history have engaged in protest, civil disobedience, and conscious social commentary. Howard Bryant's book *The Heritage: Black Athletes, a Divided America, and the Politics of Patriotism* (2018) demonstrates that black NFL players live in the dual space of being Jhally's sports/media commodity that advertises patriotism and being the targets of police violence. Montez de Oca and Suh explain that Bryant's analysis of "The Heritage" builds on Cedric Robinson's Black Radical Tradition as athletes engage their labor power in ways that resemble athletes who came before them. The idea of the Heritage extends beyond athletes, which is the legacy of black and African studies at schools around the country and around the world. As Herbert G. Ruffin II explains in his article, "Doing the Right Thing for the Sake of Doing the Right Thing," black athlete protest has even helped create several critical disciplines in academia. He writes,

"Within this shift, the student-athletic movement, as a branch of the Civil Rights/Black Power Movement, stimulated not only the emergence of Black Studies programs and departments in higher education, but this activity spread to the formation of a more democratic and more dynamic curriculum which included the rise of Chicano Studies, Ethnic Studies, and Women and Gender Studies" (Ruffin, 2014, p.276).

The sports/media complex has historically been generated on the labor of black athletes. As Montez de Oca and Suh articulate, "As Bryant (2018) points out, most black NFL players cannot be separated from the communities targeted by the racial state's violence but are also the products sold in the NFL's patriotic branding" (p.567). Given

that the on-field athletic feats of predominantly black players is the “product” sold for patriotic branding, it is not difficult to see how the sports/media complex acts as a supplement to the military/industrial complex, while simultaneously acting as a vehicle for whiteness.

Further, many sites of scholarly inquiry about the sports/media complex developed alongside or were generated as a result of black athlete activism. Nakayama and Krizek (1995) not only provide a useful framework for understanding how our society is strategically oriented towards race, but they also provide a summary of the “Others” who have long been “reflexive on their positionalities vis-a-vis the center” (p.295). In keeping with Nakayama and Krizek, the present analysis is geared towards critiquing power and knowledge production, specifically, the production of prescriptive understandings of Colin Kaepernick’s protest.

The Discourse of Whiteness

In his work *Darkwater: Voices from the Veil* (1920; print 1999), W.E.B. Du Bois wrote,

“the discovery of personal whiteness among the world's people is a very modern thing ... The ancient world would have laughed at such a distinction ... we have changed all that, and the world in a sudden emotional conversion has discovered that it is white and by that token, wonderful” (“The Souls of White Folk,” para. 3).

Du Bois can be credited with some of the earliest studies of whiteness, such as *Darkwater* and *Black Reconstruction* (1935). Du Bois focused on the concept of whiteness as a particularly effective social status, or as a “public and psychological wage” which “more than anything else made white workers forget their common class

interests with blacks and accept a subordinate-class position in exchange for the privileges of whiteness” (Smith, 2014). Whiteness, then, is not only best understood when contrasted with the concept of blackness but represents an important process of social bargaining, in which working-class whites implicitly recognize the social advantages of being “white” (for example, access to certain public/private spaces) as being more valuable than holding common class interests with black and brown folks. This labor-related articulation of whiteness and its advantages are clearly important in relation to the preceding discussion of race and the sports/media complex.

Moreover, the period between the publication of *Black Reconstruction* and the beginning of the Civil Rights Movement saw little engagement between scholars in the United States and whiteness. James Baldwin is perhaps the most notable exception, publishing his well-known book, *The Fire Next Time*, in 1963. However, during this time, thinkers around the world such as Aime Cesaire and Frantz Fanon, began to talk about whiteness in the context of colonialism. The contrast between authors, such as Fanon and Baldwin can be seen most clearly as a contrast between the study of white nationalism and the study of post-colonial whiteness. Baldwin focused on the idea that whiteness was a central social problem, even for white people, because it existed as an impediment to love and acceptance.

“White people in this country will have quite enough to do in learning how to accept and love themselves and each other, and when they have achieved this—which will not be tomorrow and may very well be never—the Negro problem will no longer exist, for it will no longer be needed” (1963, p. 22).

Whiteness studies have since intensified as a focal point of modern social science scholarship, beginning in the era immediately following the Civil Rights Movement, establishing several white-studies departments in universities around the country (Smith, 2014). Select works of Theodore W. Allen (*The Invention of the White Race*, 1976), Ruth Frankenberg (*White Women, Race Matters: The Social Construction of Whiteness*, 1993), Toni Morrison (*Playing in the Dark: Whiteness and the Literary Imagination*, 1992), and David Roediger (*The Wages of Whiteness*, 1991) can all be seen as contributing to the field of whiteness studies.

Whiteness: A Strategic Rhetoric

In 1995, Thomas Nakayama and Robert Krizek re-imagined the concept of whiteness, arguing that whiteness operates as “a strategic rhetoric” (“Whiteness: A Strategic Rhetoric”). Nakayama and Krizek provided the broad analytical framework for the study of whiteness within communication studies, as they argued that naming whiteness revealed its nature as a rhetorical construction. The authors write,

“In this essay we are interested in a specific position—the discursive space of ‘white.’ ‘White’ is a relatively uncharted territory that has remained invisible as it continues to influence the identity of those both within and without its domain. It affects the everyday fabric of our lives but resists, sometimes violently, any extensive characterization that would allow for the mapping of its contours. It wields power yet endures as a largely unarticulated position” (p. 292).

Nakayama and Krizek draw from a combination of theoretical work to solidify their position on whiteness. The thesis that they provide in this respect reads,

“In order to expose the complex, and often contradictory, functionings of ‘white,’ we explore what de Certeau might identify as a strategic rhetoric by combining Foucault's concepts of discursive formations and power with Deleuze and Guattari's

notion of assemblage to uncover the ways in which whiteness exerts its influence throughout the social fabric” (p.294).

In *The Practice of Everyday Life*, Michel de Certeau (2011) distinguishes between strategy and tactics by making the distinction between consumers and producers.

Strategies are behaviors characteristic of institutions and power structures that produce goods, knowledge, and ways of life. Maps are a particular good that de Certeau identifies as exemplifying the strategies of producers, in this case, governments, corporations, or any other institutional body that might produce a map--the map acts as a method to create a unified vision of a place, for instance, a city. To paraphrase, strategy denotes dominant subjects' (businesses, armies, scientific institutions, etc.) foundational practices and features. These practices, and the impacts they appear to create, suggest both a level of intentionality and a strong link between the orientation and goals of these dominant subjects.

Tactics, on the other hand, are descriptive of how “consumers” navigate the behavioral landscape set out by strategic actors. He writes, “I call a strategy the calculation (or manipulation) of power relationships that becomes possible as soon as a subject with will and power (a business, an army, a city, a scientific institution) can be isolated...The space of a tactic is the space of the other” (p.83-85). Nakayama and Krizek’s identification of whiteness as a strategic rhetoric becomes clearer within this articulation of production. Strategic actors have produced whiteness much like a map would be: in order to create a unified vision of, in this case, personhood, civilization, and humanity. Nakayama and Krizek write, “We conclude from this that the discursive frame

that negotiates and reinforces white dominance in U.S. society operates strategically. It is this strategic rhetoric that we wish to explore. This strategic rhetoric is not itself a place, but it functions to re-secure the center, the place, for whites” (p. 295).

Rhetoric, the second part of “strategic rhetoric,” is composed of two remaining concepts: assemblage and discursive formation. Deleuze and Guattari’s assemblage is designated as important because of how “they offer a spatial view of power relations that upends traditional, linear histories. Thus, we must understand the assemblages that produce and reproduce power relations in particular ways” (p. 294). Assemblages are non-hierarchical, non-stratified, non-linear relations of power. The idea of the assemblage allows for this project to resist the assumption that the relations of power are fixed, static, or linear. In contrast, the assemblage articulates that strategic actors and their relations to power are dynamic. Nakayama and Krizek apply the concept of assemblage by “extending Foucault’s discursive formation,” in which “Foucault argues that these are not logically organized frameworks that function in non-contradictory ways. The construction of ‘white’ as a category is replete with contradictions in the ways it expresses itself” (p. 297). Thus, whiteness and other frameworks of power are not only nonlinear, but they are contradictory. Discursive formations, then, are the constructions of speech and expression which coalesce into larger bodies of knowledge, or discourses. This dissertation concerns the discourse which formed around Colin Kaepernick and the NFL anthem protests.

For Nakayama and Krizek, Foucault’s notions of power and discursive formation function in much the same inherently contradictory way. They use Deleuze and

Guattari's reading of Foucault to explain that power operates relationally. They write that those power relations "... constitute a strategy, an exercise of the non-stratified, and these 'anonymous strategies' are almost mute and blind, since they evade all stable forms of the visible and the articulable" (p. 296). Thus, they refer to the centrality of whiteness to its own marked non-locality. Once again, the oppositional logic defines their use of Foucault's discursive formation, and Deleuze and Guattari's assemblage.

The application of this oppositional logic represents an important extension of how Michel Foucault defined discursive formations as "space[s] of multiple dissensions; a set of different oppositions whose levels and roles must be described." They argue that "The central contradiction [opposition] at work within the white discursive formation is its functional invisibility, yet importance..." (p. 297). Nakayama and Krizek deploy this concept to explore the arrangement of various heterogeneous elements which constitute the material and discursive space of "white," and how the social function of that space remains a background operation. They write, "the discourses that constitute 'white' are material, whereas their social functions remain hidden from analysis" (p. 297).

All of this is to say that the concept of whiteness as a strategic rhetoric synthesizes three things:

- 1) whiteness operates as a strategy, meaning it operates from the position of the dominant subject.
- 2) whiteness and its relation to the other is non-linear and is not fixed — rather, it is an assemblage.

3) whiteness is contradictory as a dominant relational framework, especially in its invisible centrality.

Applying the concept of strategic rhetoric to whiteness means that education and critical scholarship is a vital antecedent intervention into the process of interpellation and socialization that occurs in any setting. Nakayama and Krizek identify six strategies, or organizational features, of the discourse of whiteness. The position of whiteness is coded as: 1) powerful; 2) neutral; 3) natural; 4) a nation; 5) un-label-able; 6) Anglo or Pan-European. Moon and Nakayama importantly extended the idea of a strategic rhetoric focusing on heteronormativity. Moon and Nakayama write that strategic rhetoric can describe the dominance of various subject positions such as the heterosexual, the wealthy, and the white. They write,

“We extend the analyses of Whiteness by reconfiguring the framework around a larger notion of the strategic social construction of identities, rather than the more specific one of Whiteness. By doing so, we situate Whiteness as a strategic formation of racial privilege enmeshed with other social identities such as heterosexuality and masculinity” (2005, p. 89).

This dissertation seeks to add to scholarship in communication studies which utilizes the framework of the strategic formation to examine whiteness as a strategic rhetoric in sports (Butterworth, 2009; Griffin and Calafell, 2011; Cramer, 2016). This dissertation argues that the discursive space of white acts to fashion Colin Kaepernick according to its own operational logic. This is to say that Colin Kaepernick is used as a medium for the self-conception of the modern subject. To explain how this fashioning occurs, we must first understand the discursive frames which characterize the reactions to the protest.

Patriarchal and Constructive Patriotism

In their article, “Ethics of Patriotism: NFL Players’ Protests Against Police Violence”, Jeffrey Montez de Oca and Stephen Cho Suh engage over 400 media texts in order to analyze the public debate over the NFL anthem protests. They identify two sides in this debate, the detractors and supporters of the protest. There are two important interventions made by Montez de Oca and Suh which are pivotal for the contents of this dissertation: first, they identify that both sides of this debate operate using racial-patriotic logic; and second they argue that the adoption of racial-patriotic logic “by protest proponents limits the radical, transformative potential of the protests by operating on a nationalistic political terrain that suggests the racial state can operate for racial benevolence” (p.563). Furthermore, their analysis of the differences between patriarchal patriotism (PP) and constructive patriotism (CP) animates the analysis of this dissertation. Importantly, they identify patriarchal and constructive patriotism as closed-loop ethical systems, meaning they are definitive in their approaches to social practices and constructions. They write, “Our distinction between PP and CP is based on competing ethical systems or moral codes that manage not only people’s uses of their bodies but also their perception of a properly ordered or just world (Miller, 1993: xii)” (p.570).

For Montez de Oca and Suh, “a person’s patriotic ethics are tied to a vision of the nation and a citizens’ role within that nation” (ibid), which provides a distinct entry point for critics attempting to analyze the NFL anthem protests. In order to fully extrapolate on the value of Montez de Oca and Suh’s work for this dissertation, I will proceed to take each of their aforementioned interventions in turn.

First, through textual analysis Montez de Oca and Suh extract the two major poles of the public debates over the NFL anthem protests. They argue that both of the poles operate within a similar patriotic logic. That is to say that both sides of the debate over Colin Kaepernick and the NFL anthem protests exist within an ideology which sees the United States as worthy of either protection or reform. For protest detractors who see the NFL anthem protests as threatening the United States, they offer the framework of “patriarchal patriotism.” For protest proponents who see the United States as worthy of reform, they offer the framework of “constructive patriotism.” They summarize their textual analysis and their naming of these positions in the following quotation:

“In this article, we offer a framework for understanding the two primary positions on the protests. Analyzing this dispersion of texts, we found that people making critical statements about the protests see the nation as vulnerable and in need of protection. We call this ‘patriarchal patriotism’ (PP) since it holds that institutions of authority protect citizens from internal and external dangers, and therefore citizens owe them loyalty and deference. Most protest proponents see the nation as imperfect, but improvable through the active participation of citizens. We call this ‘constructive patriotism’ (CP) since it holds that citizens have an ethical obligation to oppose inequities and work on the nation through protest and dissent (Schatz et al., 1999). We argue that the differences and division in these positions are two sides of the same patriotic–racial coin” (p.564).

This first intervention provides the groundwork for the present analysis, as I am able to extend the use of patriarchal and constructive patriotism to particular media texts which typify the poles of this debate. Chapter 2 focuses on the framework of patriarchal patriotism as it deployed by David Brooks in his editorial “The Uses of Patriotism” in which he excoriates Kaepernick for violating the sanctity of the nation (again, suggesting that the nation is worthy or in need of protection). Chapter 3 focuses on the framework of constructive patriotism as it operates in Lee Siegel’s article “Why Kaepernick Takes the

Knee " which attempts to frame Kaepernick as a constructive, reformist voice as opposed to a more radical one. Furthermore, in each of these chapters I am able to extend this framing to include a discussion of how these racial-patriotic logics are imbued with the strategic rhetoric of whiteness and a new materialist black feminism which reads Kaepernick's body as a medium for the human.

This extension is especially crucial in light of the second intervention that Montez de Oca and Suh offer, which is to critically examine the role of protest proponents in perpetuating a racial-patriotic logic that limits the transformative power of the protests. This intervention highlights the shifting nature of the protest: from a critique which emphasized the contradictions of the US government, to one which eventually was co-opted by the logic of nationalism and patriotism. They write,

“Kaepernick's initial counter-narrative identified contradictions in the racial state, which made it consistent with the Radical Black Tradition. And while the protests became more inclusive by embracing patriotism, it also obscured the operation of the racial state in a politics of representation open to appropriation” (p.581).

Ultimately, as this dissertation unfolds, the argument is that this racial patriotic logic is not only reproduced but is exceeded in the discussion of Colin Kaepernick's body as a medium for fashioning the humanity of the (white) audience. In this way, Montez de Oca and Suh both provide the framing of the public debate over the protests (which is exemplified by Brooks and Siegel) and offer a call to action to reimagine the protest outside of their dominant discursive logics. They write, “Rather than accept the liberal status quo of the nation-state, sport sociologists should highlight its contradictions” (p.581). This dissertation not only highlights these contradictions but attempts to expand the ways in which these contradictions can be read as productive social forces which

moved active and passive debate participants alike. In order to understand how this dissertation moves through “the operation of the racial state in a politics of representation open to appropriation” (p.581), it is necessary to engage with Colin Kaepernick’s body as a type of matter—matter through which the subjectivity of the audience is mediated.

Black Lives = Matter

“...the Black body functions as a communicative medium, or an extension of Western self-conceptions, so often overdetermined by whiteness” (Towns, 2019, p. 6)

In recent years, the term “matter” has been brought to bear in the public and academic consciousness (Gamble et al., 2019). As Towns writes, the Black Lives Matter (BLM) movement can be read as opening “three interrelated discourses on the polysemic nature of matter, but so far two have dominated both Black and communication studies...” (Towns, 2019, p. 2). The first concerns the idea that black lives are human lives and that they should “*matter* enough to convict White people of the murder of unarmed Black people” (ibid., emphasis in original). This discourse is the refrain of many activists who chant “Black Lives Matter” as they march in the streets following the death of another black person at the hands of the police. Towns continues,

“second, some argue that while BLM is an important organization, historically, the lives of Black people in the West *do not matter* (Abu-Jamal, 2017), and such a non/relation is necessary for the West to maintain itself. This is an oversimplification of both discourses, but they both point to a quantitative concern: the historical capacity to measure Black life as less than White life. Under this framework, there are two humans who should be equal but are not, and therein lies the central problem of the West” (ibid., emphasis in original).

However, Towns suggests that BLM creates the condition for a third discourse on the nature of “matter,” one which posits the question “Why do Black lives equal matter?”

This is not an argument that *Black people* are matter, but that blackness, as a construct, shares a consistency with the Western construct of matter” (ibid., emphasis in original). This dissertation is also animated by the third discourse as described by Towns, which is poetically illustrated by the opening sentences of Leong’s article, “The Mattering of Black Lives: Octavia Butler’s Hyperempathy and the Promise of the New Materialisms” (2016). Leong writes, “*Black* lives matter and black *lives* matter and black lives *matter*. This homographic reading of the most salient political statement of recent years speaks to the torsions of blackness, matter, and life that have come to define our contemporary era” (p. 2, emphasis in original). This dissertation contends that tapping into this rich discourse of “matter” through the theoretical lens of whiteness as a strategic rhetoric avails a multitude of useful interventions in analyzing the NFL anthem protests. The close connection between the NFL anthem protests and BLM as parallel movements suggests that the NFL anthem protests also offer us a unique avenue into the third discourse of matter in which blackness as a construct and matter are connected. Furthermore, contextualizing this discourse within the history of black athlete activism and the labor dynamics of the sports/media complex is another critical connection. The NFL anthem protests (and relatedly, BLM) provide us with an alternative way to characterize the “central problem of the West” in Fanonian terms by allowing us to understand blackness as matter. Denise Ferreria Da Silva (2007, 2017) also posits the black figure as ‘affectable’ or the ‘signifier of violence.’ She writes,

“For the work of blackness as a category of difference fits the Hegelian movement but has no emancipatory power because it functions as a signifier of violence which, when deployed successfully, justifies the otherwise unacceptable, such as the deaths

of black persons due to state violence (in the US and in Europe) and capitalist expropriation (in Africa). That is, the category of blackness serves the ordered universe of determinacy and the violence and violations it authorizes. A guide to thinking, a method for study and unbounded sociality—blackness as matter signals ∞ , another world: namely, that which exists without time and out of space, in the plenum” (2017).

Da Silva is inspired by Fanon, who argues in his seminal work *Black Skin White Masks* that the subjectivity of “man” cannot be simply or adequately described by the objectivity of the “other” (Fanon, transl. by Philcox, 2008). The central thesis of Fanon’s decolonial subjectivity is that the Hegelian subject-object is disrupted and shown to lack explanatory power in terms of what Fanon would call non-being. The category of blackness, as Da Silva calls it, functions purely as the signifier of violence. Da Silva, in her book *Toward a Global Idea of Race*, posits the body of color as the “affectable I: The scientific construction of non-European minds” (2007, p. xv) This non-being, these bodies of color exist outside of the dialectic of subjectivity--outside any notion of experience, rational or bodily. This is affectability. In naming the body of color as affectable, this dissertation attempts the critical move of undermining the tools of what Da Silva (2007) calls obliteration, or the violent inclusion of bodies of color into white constructs of time and space (such as the nation-state); and undermining the political and symbolic arsenals which render people of color as scientific constructions (affectable). The nation and the concept of affectability (or in contrast, whiteness/dominance/the unaffected) are both overrepresented through public discourses of the NFL anthem protests, and particularly the texts chosen for analysis here. The connection between

Towns' third discourse of matter and the sports/media complex is thusly relevant due to the polysemic qualities of both matter and media.

The Black Body as Media

As the orienting quotation reveals, the central argument that Towns makes in *Black Matter Lives* is that the black body, the Western idea of blackness, acts as a medium through which Western self-conceptions are extended and reified. Towns borrows from Marshall McLuhan primarily in his definition of media and how media exist as technological extensions of the Western subject. The idea for Towns is that McLuhan's theorization of media mirrors the conception of the black body as matter. Towns writes,

“McLuhan (2003) once argued that media were ‘any extension of man.’ If we take McLuhan literally—particularly his lack of critical discussion of the racialized and gendered implications of his man—we can reconsider media, matter, and blackness as interrelated: Each has been conceived as a vehicle, as a technology that extends some people into their humanity” (p. 7).

The key question for Towns here is, what does McLuhan mean by ‘man?’ Towns continues, “McLuhan's conceptualization leads us to the same problematic that Fanon and McKittrick attend to: The figure that used Black bodies as extensions for his self-conception of humanity is Western man” (p.7). This is to say that the Black body has historically acted as a vehicle, or technology through which the self-conception of humanity — of the western subject — is solidified. Towns (2018, 2019) extends this argument to the discipline of communication studies and the humanities in general. Towns argues that the perspective assumed by many communication studies scholars is that of McLuhan's man. He writes, “Still, I argue that the *human* in human

communication studies must be troubled. Or, rather, the human must be stressed as reflective of a particular “genre of the human” (Wynter, 1995), one which seems to largely reflect a White, middle-classed, heterosexual man as the figure most closely and consistently associated with humanity” (p. 8, emphasis in original).

The articulation of McLuhan’s man and media is also explicitly tied to a discussion of matter. Immanuel Kant’s assumptions about matter in *Critique of Pure Reason* (1965) are given attention, as Towns explains that for Kant, form is pre-experiential while matter is sensual (p.3). Matter, for Kant, is known through man’s senses—man observes matter and thus brings it into being. Towns argues that this discussion of matter was extended even in radical work, as exemplified by Marx’s construction of the commodity as Kantian matter. Towns brings Kant and Marx in line with contemporary materialist thought through Jane Bennet’s *Vibrant Matter* (2010), but he critiques Bennet’s treatment of Black power in relation to Bennet’s thing-power. For Bennet, thing-power is “The curious ability of inanimate things to animate, to act, to produce effects, dramatic and subtle” (Bennet, p. 7). She introduces this concept by writing, “Not Flower Power, or Black Power, or Girl Power, but Thing-Power...” (ibid). In order to go beyond Bennet’s arguments about matter, Towns turns to Black feminist new materialist reading of Fanon which includes McKittrick alongside Da Silva and Wynter.

New Materialist Black Feminism

Black feminist authors have characterized the continuation of studies in whiteness and gender (hooks, 2004; Spillers, 2003; Collins, 1991, 2004). Towns relies on black

feminist theory to forward his argument in *Black Matter Lives*. Katherine McKittrick is a primary influence for Towns, especially her application of Sylvia Wynter's concepts in *Demonic Grounds* (2006). Towns writes, "McKittrick brings Fanon's work into a Black feminist materialism that outlines the technologization of the Black female body in particular and the Black body in general *for whiteness*" (p.6, emphasis added). This passage, particularly the emphasized portion, is perhaps the most direct link between a black media philosophy and whiteness as a strategic rhetoric.

This conversation of the medium also relates directly to the sports/media complex and the black body. As mentioned above, black athletes who protest tap into Robinson's (2000) Black Radical Tradition and continue on the legacy of black protest, which Bryant (2018) calls "The Heritage." Montez de Oca and Suh (2020) argue that the NFL anthem protests began particularly to question the idea of an American subjectivity through disrupting racial capitalism. One way in which racial capitalism attempts to fashion the black body as matter is to assume white subjectivity when judging the black body. Towns conceives of much of communication studies and other critical attempts at addressing race because they seek the recognition or representation that the white subject already has. In other words, they revert to the first discourse of BLM, the idea that there are "two humans here." Reading the NFL anthem protest would look like interpreting the protests as a call for recognition rather than a rupture in racial capitalism. Within racial capitalism, the black body is technologized *for whiteness* which is to say that the technologization of the black body is a strategy of whiteness--it is another form of discursive production performed by dominant subjects. Towns continues,

“Black feminist new materialists suggest that communication studies would do well to critically question what constitutes the human. In the process, we must not put ‘race’ scholarship in one category and ‘theory’ in another, as has been a trend of much critical scholarship (in and outside of the field) that imagines itself as not interrogating race at all. Instead, Black feminist new materialism scholars suggest that communication studies must think of theory as an inherently racialized project, whether race is theorized at the forefront or not” (p.5).

The framework of whiteness as a strategic rhetoric is also particularly dedicated to thinking of theory (and all popular discourse) as an inherently racialized project in which whiteness represents the invisible center. To synthesize the two calls to action offered by Towns and Nakayama and Krizek, this dissertation seeks to mark and incorporate whiteness into this analysis by critically questioning what constitutes the human.

Denise Ferreria Da Silva argues that it is imperative to assume that the frames of intervention available to us are fraught with relations of power (the subject/object dialectic). She writes, “our frames of intervention, any apparatus deployed in the knowledge of human affairs, produce the very results they acquire” (ibid., p. 59). Da Silva articulates that a praxis which attends to the contrast between humanity (subjectivity or being) and matter (non-being, the affectable) “requires ontoepistemological accounts that begin and end with relationality (affectability)” (2013, p. 44). The focus on black feminist new materialism allows for me to utilize this approach to matter and mattering. In other words, black feminist new materialism is the key to my discussion of the nonhuman. Thus, I focus on the relational aspects of new materialism and affectability (ibid) to posit the “real conditions” of the emergence of the NFL anthem protests (Gamble et al., p. 127). It is my contention that a Fanonian racial

rhetorical criticism best attends to the need for an account that begins and ends with relationality.

Methods

Critical Rhetoric

This dissertation relies on rhetorical criticism (McKerrow, 1989) as a method of inquiry. I utilize critical rhetoric to study how Colin Kaepernick's body is mediated within the context of the sports/media complex and the history of athlete activism. Additionally, critical rhetoric as a method is represented in the theoretical application of whiteness as a strategic rhetoric and the discourse that black lives equal matter. Theory, race, and method are all connected for the purposes of this project. Lisa Flores, in her article "Between Abundance and Marginalization the Imperative of Racial Rhetorical Criticism," writes, "I...will go so far as to argue that rhetorical studies is fundamentally—at its core—the study of race and to argue, therefore, rhetorical critics must participate in the expanding area of racial rhetorical criticism" (2016, p. 6). She argues that rhetorical criticism is situated and "invested in the cultural, social, and political significance of race, even if not directly" (ibid). Flores explains that the contexts of the creation of rhetoric and the institution of western logic beginning in the time of Plato and Aristotle and continuing through such figures as Kant and Hegel cannot be separated from a racial project of citizenship, nationhood, or colonization. There are three main strands of racial rhetoric Flores identifies: hearing race, seeing race, and bounding race. I highlight these in particular because I believe that the focus of the present analysis on the NFL anthem protest rightly transcends and blends these three strands as Flores

calls for. The NFL anthem protests are certainly about voice. Colin Kaepernick describes his protest as giving voice to the voiceless (Sandritter, 2016). The NFL anthem protests are also about visibility. The image of kneeling, Kaepernick's continual reproduction of the black power salute, and indeed image-based engagement in every form of media from print to Pinterest comprise much of the "record" and experience of the NFL anthem protests themselves. Finally, the NFL anthem protest is inherently about borders. It is about the playing field as a sacred space, with borders that comprise the outside world, which is "political" and the sporting world, which is supposedly unified. It is also particularly about the military construction of borders and the mimicry of military tactics on the playing field of football.

The call made by Flores is but one call for a radical approach to rhetorical studies or communication studies in general because of several larger discussions of how the discipline itself is implicated in the production of white subjectivity (Flores 2017, 2018; Báez and Ore, 2018). This dissertation further understands rhetoric as Darrel Wanzer-Serrano (2015) describes it, "Rhetoric is not reducible to empty verbiage, deceitful speech, or a form of inaction. Instead, I see rhetoric as both an object of inquiry and a perspective for engaging that object" (p. 15). Towns (2018, 2020) adds to the methodological approaches available to scholars who seek an alternative critical grammar by calling for a Fanonian intervention that attends to the theoretical and radical dimensions of the racial critique.

A Fanonian Communications Studies

It is no coincidence that the figures behind Western rhetoric (Plato, Aristotle, Kant, Hegel) are the same figures critiqued by Fanon, Wynter, Da Silva, McKittrick, and Towns. Towns (2020) writes,

“What Fanonian approaches to communication can teach us, then, are two things, at the least: first, that the conception of self/Other must be complicated when considering Black and Brown life; and that such complications point to the fact that Black and Brown life ruptures the foundation of the overgeneralization itself” (ibid., p. 79).

As I have demonstrated above, my approach to communication studies complicates how Colin Kaepernick can be read within the self/Other dialectic as Towns describes it. Kaepernick acts as media, through both his play and his protest, to maintain the overrepresented subject. This dominant subject is represented in the strategies of whiteness that the NFL, the office of the President, and large media organizations such as the *New York Times* employ in rendering his body visible and invisible. This dissertation transcends a call for representation and concludes that Colin Kaepernick exceeds his affectability or his mediation. I argue that both the strategies of whiteness found in this dissertation, and the seeking of mutual recognition from the racial-patriotic state constitute the black body violently. These strategies work to maintain the invisibility and inherency of whiteness, which maintains the oppression of the black and brown body. The seeking of mutual recognition limits the radical transgressive potential of acts of protest and works as a separate strategy of whiteness which co-opts the critique of the state as valorous, democratic speech (constructive patriotism).

As Towns writes, this intervention is both theoretical and radical, “I find it more productive to think about ourselves in two inseparable ways: one, theoretical (away from self/Other toward comprehending racial violence’s necessity for our self-constitution); the other, radical (Fanon’s tripling that points toward new humans)” (ibid., p. 79). Here, tripling denotes a third state of being which exists outside of the self/Other dialectic.

Towns explains,

“Fanon was not capable of self/Other recognition, but was, instead, the infrastructure necessary for the self/Other to exist in the first instance. Put simply, if the self/Other has a binary form, the tripled figure is the foundation, that third element unaccounted for in Hegel’s terms of recognition. Indeed, the black body does not have ‘being,’ in the Western ontological sense” (ibid., p. 78).

This dissertation commences with a theoretical intervention, reading the NFL anthem protests away from the self/Other toward comprehending the constitution of Colin Kaepernick and other black bodies through violence and concludes with a radical intervention which reads Colin Kaepernick through Fanon’s tripling.

Texts for Analysis

The texts for analysis for this dissertation are three *New York Times* opinion pieces written about Colin Kaepernick and the NFL anthem, published over the period of September 2016 to September 2017. Each author of these texts are white men, and each of them argues that the audience should understand something about the nature of Kaepernick’s protest. The rhetorical criticism contained within this dissertation identifies three corresponding dominant strategies of whiteness within the public discourse surrounding the NFL anthem protests and Colin Kaepernick: whiteness as European (Nakayama and Krizek, p. 301), whiteness as crudely tied to power (Ibid, p. 298), and

whiteness as natural/scientific (Ibid, p. 300). The *Times* opinion articles act as case studies for how these strategies manifest and how Colin Kaepernick's body can be understood as a medium (an extension of man). The case studies chosen for analysis here: David Brooks' article "The Uses of Patriotism" (2016); Lee Siegel's article, "Why Kaepernick Takes the Knee" (2017); and Colin Fleming's article "Maybe Colin Kaepernick is Just Not That Good" (2017). Given the prevalence of other work on the NFL anthem protests and the focus on larger discourse analyses or framing discussions, this focus is not only novel, but I believe it represents a clear example of a citational politics which seeks to meet power where it lives. This is not to credit the *New York Times* as a center of knowledge production but rather to question it.

The columnists who published these three articles are well-known New York Times contributors, and each offers a prescription of how to interpret Colin Kaepernick's protest (Brooks and Siegel) or his condition at the time of his protest and subsequent free agency (Fleming). Thus, these paradigmatic texts crystallize and exemplify the discourse that surrounded Kaepernick and the NFL anthem protests during this time. They require a deep treatment as opposed to inclusion in a larger corpus of texts for analysis due to their balance of depth and density. Each of these articles is treated as a gateway into the larger discourses surrounding Colin Kaepernick and the strategies of whiteness that attempted to interpret or interrupt his protest. Montez de Oca and Suh (2020) provide the framework of patriarchal and constructive patriotism to describe the anti-protest and protest supporting crowds respectively. I then argue that the arguments in these texts act to use Colin Kaepernick as a medium for the maintenance of the Western subject.

Chapter Overview

In the first two chapters of analysis, I analyze each of the discursive frames of patriarchal and constructive patriotism; and I unpack how each of them act to mediate the protest. Chapter 2 analyzes David Brooks' 2016 op-ed, "The Uses of Patriotism" as an example of the strategy of whiteness, which relates whiteness to European ancestry (Nakayama and Krizek, 1995, p. 302). Brooks' erasure of the indigenous peoples of North America and his insistence on the virtue of American traditionalism is one way the sports/media complex racializes Kaepernick's body. As this chapter will demonstrate, Brooks' suggestion that Colin Kaepernick violates what he calls America's civil religion works to fashion the white subject as the reverent civilian. The column, which is targeted at high school athletes who may attempt to kneel during the anthem themselves, resembles much of the consternation that liberals aimed at Kaepernick in the wake of the protest. Similar texts, such as Supreme Court Justice Ruth Bader Ginsburg's response to the protest, are analyzed in this chapter. I conclude that Brooks' article is a paradigmatic example of the discourse of patriarchal patriotism, which frames the NFL anthem protests as threatening to national identity and as worthy of punishment by authoritative figures.

Chapter 3 is dedicated to analyzing Lee Siegel's article "Why Kaepernick Takes the Knee" (2017), which situated Colin Kaepernick's protest among other acts of black athlete activism. Siegel's primary argument is that the kneel represents an "acceptable" form of protest in contrast to more militant methods. Montez de Oca and Suh (2020) offer the articulation of constructive patriotism, which is used to understand Siegel's position alongside many other protest supporters. Unlike David Brooks, Siegel is attempting to

argue in favor of Colin Kaepernick's method of protest as patriotic. However, as this chapter will argue, Siegel also fashions Colin Kaepernick to extend a white American subjectivity through the application of the strategy of whiteness which ties "white" to power crudely (Nakayama and Krizek, 1995, p. 298). Siegel's article is also analyzed in reference to the kneel itself as a symbolic action. Montez de Oca and Suh (2020) argue that the kneel was an embrace of racial patriotic logic, which served to limit the radical potential of the protest. The conversations and commentary of NFL-and-military-veteran Nate Boyer and Eric Reid are key to this analysis, as they detail the process Kaepernick took in moving from sitting to kneeling.

Chapter four unpacks Colin Fleming's article, "Maybe Colin Kaepernick is Just Not That Good," and the understanding of Colin Kaepernick as a laborer. It concerns his contract status as an NFL quarterback. Going into the 2017 NFL season, Kaepernick was a free agent after he and the San Francisco 49ers parted ways. Many believed Kaepernick was being "blackballed" due to his political stance, and this was a common refrain amongst Kaepernick supporters. Colin Fleming's article is a repudiation of those arguments in favor of what he terms a "meritocratic" analysis of Kaepernick's "attributes" (Fleming, 2017). This article is directly applied to a Fanonian communication studies, as Fleming's use of the scientific strategy of whiteness (Nakayama and Krizek, p. 300) represents a way in which he uses Kaepernick's body to fashion a Western subjectivity. Fleming decries the lack of meritocratic thinking in our society and likens the calls for systemic reform to complaining instead of asking "tough questions" (2017).

Chapter five synthesizes the analysis here to further the second goal of a Fanonian communication studies as described by Towns: moving towards thinking a radical politics. The first four chapters of this dissertation establish that Colin Kaepernick can be best understood through the lens of a black media philosophy and the strategies of white authors to self-conceptualize through his body. The fifth chapter impacts these conclusions to the discipline of communication studies and to a general read of the NFL anthem protests. Among other important findings, this dissertation reveals that the kneel is simultaneously the way in which Colin Kaepernick expresses and struggles to reconcile with his own humanity.

Chapter Two: The Ethics and Uses of Patriotism

On October 10, 2016, a Katie Couric interview with the late Supreme Court Justice Ruth Bader Ginsburg circulated in promotion of Ginsburg's book, *My Own Words* (2016). In the interview, Ginsburg offered a scathing critique of the NFL anthem protests, the full breadth of which has only recently been revealed (Lahut, 2021). Couric's coverage at the time focused on Ginsburg's description of the NFL anthem protests as "dumb" and "disrespectful" (de Vogue, 2016). Ginsburg said rather plainly, "if they want to be stupid, there's no law that should be preventive. If they want to be arrogant, there's no law that prevents them from that. What I would do is strongly take issue with the point of view that they are expressing when they do that" (ibid). She compared kneeling during the national anthem to other transgressive acts of protest which have come before the Supreme Court before in relevant First Amendment jurisprudence, "I would have the same answer if you asked me about flag burning. I think it's a terrible thing to do, but I wouldn't lock a person up for doing it. I would point out how ridiculous it seems to me to do such an act" (ibid). Her remarks fall short of, yet resemble those of fellow Justice Anton Sclaia, "'If I were King,' Scalia told CNN's Piers Morgan in 2012, 'I would not allow people to go about burning the American flag. However, we have a First Amendment, which says that the right of free speech shall not be abridged'" (ibid).

At the time, Colin Kaepernick responded to Ginsburg by saying, “I was reading an article and it refers to white critique of black protests and how they try to de-legitimize it by calling it ‘idiotic, dumb, stupid,’ things of that nature, so they can sidestep the real issue” (ibid). Furthermore, Kaepernick articulated Ginsburg’s public comments into the larger frame of whiteness and power: “As I was reading that I saw more and more truth how this has been approached by people in power and white people in power in particular” (ibid).

On October 14, 2016, Ginsburg publicly recanted in a statement which addressed the protests specifically, “Justice Ginsburg’s statement suggested that she had taken the wrong tone because she had not been fully informed” (Liptak, 2016). In October 2021, Katie Couric revealed an unabridged version of Ginsburg’s remarks (Lahut, 2021), and, when asked about why she chose to editorialize Ginsburg’s position in 2016, Couric says solemnly:

“I think I put it in there because I still question myself. I mean, I chose to write about it. I wanted to be honest about the conundrum I faced after her team called up and said she didn’t understand the questions, that she hadn’t been following the story, that she misspoke. Yet she was on the record, and she did answer the question” (“Former TODAY Anchor Katie Couric Talks about Her New Memoir ‘Going There,’” 2021).

This is to say that, at the time, Katie Couric heard a fuller response from Ginsburg, and chose to release an edited version because Ginsburg’s “team called up.” Ginsburg’s full quote takes on a much different overtone than simply condemning the protest as “dumb” or jabbing that protesters were “arrogant.” Ginsburg’s full quotation reads,

“It's contempt for a government that has made it possible for their parents and their grandparents to live a decent life, which they probably could not have lived, in the places they came from ... As they become older they realize that this was a youthful folly. And that's why education is important.”

Indeed, discourse from many different people from many different walks of life framed Kaepernick as arrogant, stupid, or anti-patriotic. But the framework of black protesters being ungrateful for the “government that has made it possible” to escape “the places they come from” is the focus of this chapter.

This chapter analyzes a text which fully embodies the standpoint that Ginsburg conjures above, David Brooks article “The Uses of Patriotism.” Specifically, this chapter demonstrates that Brooks’ article is an approach to Colin Kaepernick within the strategy of whiteness (Nakayama and Krizek, 1995) which connects whiteness to European ancestry (ibid, p. 302). This chapter proceeds with a brief reiteration of patriarchal patriotism. Next, I provide an overview of David Brooks’ article and the methods for analysis. Finally, I analyze Brooks’ article which is organized by three major themes as named by Brooks: “European settlement,” “civic religion,” and “moments of reverence.”

Patriarchal Patriotism

Ruth Bader Ginsburg’s comments are excellent examples of what Montez de Oca and Suh (2020) name “patriarchal patriotism” in their article, “The Ethics of Patriotism.” The way in which Ginsburg conflates the country and the government with Colin Kaepernick’s parents, for example, is explicitly tied to a vision of how the United States is rhetorically positioned as a patriarchal figure. Montez de Oca and Suh write, “At the Republican National Convention, Ronald Reagan narrated a linear history of brave

(white) men who overcame inextricable problems to forge a vision of America that has made the United States the world's economic, military and political leader" (p. 571). As Montez de Oca and Suh articulate, this view is what drives much of the dogmatic mentality that protest detractors adopt. The authors demonstrate through a discourse analysis that patriarchal patriotism is structured around fear of foreign influence. Unquestioning loyalty is key to the patriarchal patriot's worldview because the security of the US is always in doubt, "Patriarchal patriots see the nation as fragile and in need of protection so they, like Reagan, emphasize respect for top-down authority embodied in white men. Protest opponents lash out against what they perceive as an attack upon their identities and security" (p.572) just as Ginsburg does. Ginsburg and other protest detractors are shielding the United States government from scrutiny, suggesting that critics ought to be grateful to the government instead. As Montez de Oca and Suh demonstrate, much of the discourse which criticizes Kaepernick takes on the patriarchal patriot mindset. Feelings of victimhood and anger characterize protest opponents (p.573-4). For Ginsburg, the act of taking a knee during the national anthem resembles burning a flag—it is so flagrant that it is decidedly and inherently wrong because of the way in which it symbolically repudiates the government. It represents a transgression of a relationship between parent and child, a sort of sacred relationship that demands a kind of decorum so that the provision of the safety afforded by the relationship itself cannot come under threat.

In contrast, Kaepernick's jersey was often ritualistically burned as a demonstration of rejection of his protest. Nike products were also burned after the release of the 2018 Nike ad campaign, *Dream Crazy* (p.573). Montez de Oca and Suh continue,

“This sort of political activism through consumer behaviors also included calls to boycott the NFL and its advertisers until the protests were stopped (Freefall, 2016), fundraisers for veterans (FoxBusiness.com, 2017), and selling merchandise, such as t-shirts with a rifle-scope trained on Kaepernick (DiFilippo, 2016)” (p. 573).

This type of contradiction is emblematic of the reactions of Patriarchal Patriots, which often oscillated between victimhood and anger. This anger was expressed in a “love it or leave it” mentality which, as Ginsburg exemplifies, suggested that Kaepernick and other protesters should simply be grateful for the United States or leave it behind. Thus, these inherent contradictions in the “argument” of patriarchal patriotism are a feature, not a bug. They are the key methods of delegitimizing the protest as Montez de Oca and Suh articulate, “Instead of engaging with a non-white reality, patriarchal patriots instead focused on the threats and the harms *they experienced* from the protests” (p. 573, emphasis in original). The frame of patriarchal patriotism is key in contextualizing Brooks and Ginsburg as emblematic of and as influencing the discourse of protest detractors. As Ginsburg suggests, the act of protesting during the national anthem represents a special kind of symbolic threat to the United States. This threat exists both materially, in the nation's ability to provide for its constituents and in the symbolic sense of collective morality. Montez de Oca and Suh continue, “This sense of threat and harm was expressed in two interlocked ideas: the players are traitors and ingrates. The players are traitors because they do not properly offer loyalty during the anthem's nationalistic

ritual. Thus, they betray the nation by undermining its moral order.” As Montez de Oca and Suh articulate, this patriarchal patriotism sees Kaepernick through a white frame. They write, “Central to this white frame is the idea that the nation and its institutions, especially the police and military, are the authors of prosperity and freedom for everyone” (p.573).

I argue that Brooks, much like Ginsburg, represents a paradigmatic example of patriarchal patriotism. Furthermore, Brooks’ instantiation of a pseudo-European identity is key to understanding how this white frame operates strategically in reaction to Colin Kaepernick’s protest. I argue that Brooks’ conception of America as a European project of civilizing black and brown bodies can be best understood as a strategy for producing the human. This is to say that protest detractors, or patriarchal patriots, do not criticize Kaepernick in this way purely to denounce the protest, but rather the criticism being performed through the white frame of patriarchal patriotism is itself necessary to the maintenance of a hegemonic, white identity. For Brooks, Ginsburg, and for the protest detractors that Montez de Oca and Suh identify, protest is only acceptable if it is in the service of maintaining this particular version of civility.

Text and Methods of Analysis

David Brooks is a longstanding columnist for the New York Times, perhaps best known for his work on liberal economics. In his article, “The Uses of Patriotism,” he writes what is essentially a letter to high school student-athletes, warning them not to “pull a Kaepernick” and kneel during the national anthem. In this chapter, I analyze Brooks’ article and his call to resist this particular instance of protest as patriarchal

patriotism (Montez de Oca and Suh). This chapter argues that the building up of the ideal citizen as reverent to the military and to the “civil religion” of America as Brooks names it, is not only a key part of the patriarchal patriotic schema but is a specific rhetorical strategy which connects whiteness to a European identity (Nakayama and Krizek, p.302).

As offered in chapter 1, this analysis is geared towards combining these various theoretical lenses in order to do the work of racial rhetorical criticism (Mckerrow, 1989; Wanzer-Serrano, 2015; Flores, 2016). In this pursuit, I argue that Brooks’ article represents one way in which the sports/media complex acts to fashion Western subjectivity through the medium of the black body. In Flores’ terms, this project would fall into the category of “seeing race,” as it articulates how Colin Kaepernick is represented and perceived by others.

The Fanonian intervention into racial rhetorical criticism offered by Towns provides me the opportunity to engage the sports/media complex at its most material: with a focus on how whiteness is mapped onto Colin Kaepernick’s body and his protest which deeply implicates his body and the bodies of others. In order to accomplish this intervention, I focus on editorials which represent the mediated outlets that discuss his protest and his movement (both social and physical). By providing a detailed analysis of Brooks’ text, my goal is to explain how the white frame of patriarchal patriotism functions in a detailed manner. Brooks’ text represents the most paradigmatic instance of the strategy of connecting whiteness to a European identity, and thus this particular focus allows for the deepest articulation of how dominant entities, such as the NFL, acted on Kaepernick in a patriarchal way.

“When Europeans first Settled This Continent”

“This column is directed at all the high school football players around the country who are pulling a Kaepernick — kneeling during their pregame national anthems to protest systemic racism. I’m going to try to persuade you that what you’re doing is extremely counterproductive. When Europeans first settled this continent they had two big thoughts. The first was that God had called them to create a good and just society on this continent. The second was that they were screwing it up” (Brooks, 2017).

Brooks opens up his column by selecting his audience. He is writing to the impressionable youth of America, in the hopes that they read his work before attempting to “pull a Kaepernick” and kneel during the pregame national anthem. Brooks makes many assumptions in the opening paragraphs of his column, but the most striking is the idea that “Europeans first settled this continent.” This section analyzes the three main themes that Brooks uses to construct Colin Kaepernick as irreverent and argues that the strategy of whiteness which connects whiteness to European ancestry is most clearly visible here.

For Brooks, Colin Kaepernick acts as a medium for white subjectivity, in this case the subjectivity of the reverent citizen. As Ginsburg’s quotations which introduce this chapter demonstrate, the white frame of patriarchal patriotism is used to fashion an ideal citizen that is thankful to its government. In other words, a child which is grateful to its parent. This article represents a paradigmatic example of the discourses that circulated during the protest, and goes beyond the comments of other protest detractors such as Ginsburg, by explicitly connecting whiteness to a European ancestry which occludes black, brown, and indigenous populations.

Articulating Whiteness as European Ancestry

Nakayama and Krizek (1995) argue that articulating whiteness in relation to European ancestry is a way in which whiteness functions strategically and symbolically. They write, “a small group of the whites interviewed and surveyed saw their whiteness in relation to European ancestry. This historical foundation for their ethnic identity reflects an interest in what Gans has earlier identified as ‘symbolic ethnicity’” (p. 302). As Nakayama and Krizek point out, another strategy of whiteness “confuses” whiteness with a nationality (p. 300). Many of their respondents identify the American identity with whiteness, “Whiteness means ‘that I’m of American descent,’ or ‘white means ‘white American’” (ibid). Here, nation precedes ethnicity because “Ethnicity for them is not a substantial part of their everyday lives” (p. 302).

As a strategy of whiteness, articulating whiteness as European ancestry does three things: 1) it ties American-ness with European-ness, but replaces the legacy of transatlantic colonialism and slave trade with a legacy of settlement; 2) it purposefully erases the indigenous as the original inhabitants of this land, and obfuscates the genocide upon which American-ness was allowed to emerge in the first place; and 3) it allows for whiteness to remain a fluid identity category as opposed to other ethnicities which represent more solid “labels” of difference.

Whiteness as European or American necessitates an anti-black, anti-indigenous stance that ignores the term “white” and its ties to other historical signifiers of difference such as “Christian” and “free.” The fact that whiteness is articulated as a European ancestry, or that American-ness is tied directly to a feeling of pan-Western nostalgia,

signals that Americanness is whiteness, and that whiteness uses the black body as a means to understand itself. This positionality marks the black or brown body (the non-Western, the non-European) as what Da Silva (2007) calls “The Others of Europe.” This labeling is a departure from the common Hegelian dialectic which instead assumes Europe as the self/subject and Africa, Asia, and anything that is not “the West” as Other. Da Silva’s configuration emphasizes the “Others of Europe” to describe how before European colonization, Africans, Asians, etc. had always already thought of themselves as human. Becoming the “Others of Europe” is one way that black bodies are turned into matter—they are seen as being brought into being (into civilization) by the West, as Ruth Bader Ginsburg’s full quotation reveals. The “places *they* come from” are different from the places the implied “we” (white Americans) come from, and this difference is important for protest detractors because the European or the Western is seen as a worthy place of origin whose spoils have only recently been generously extended to the “Others of Europe.”

Within the frame of patriarchal patriotism, “The feeling of ingratitude centered on white benevolence and unappreciative black players” (Montez de Oca and Suh, p.574) much as it does in Brooks and Ginsburg’s sentiments. Montez de Oca and Suh continue, “Patriarchal patriots see black players receiving gifts from white America, whether it is their salaries paid for by white fans or the gift of welfare and civilization” (ibid). In the case of both Brooks and Ginsburg, they articulate a notion that everyone from the Colin Kaepernick to the high schoolers emulating his protest are ungrateful to Europeans/white Americans for the provision of welfare, civilization, and the right to protest. Montez de

Oca and Suh conclude, “The protests are then presented as proof that black players are ungrateful for all that white America has given them” (ibid).

Notably, Brooks posits America as a cultural melting pot. He implies that the American identity serves as the primary filter for immigrants and their self-perception. This is in line with the way that Nakayama and Krizek describe the strategies of whiteness above as nationality comes first because ethnicity is not a substantial part of the white experience. Brooks argues that this ordering is due to the narrative that unites America, “This American creed gave people a sense of purpose and a high ideal to live up to. It bonded them together. Whatever their other identities — Irish-American, Jewish American, African-American — they were still part of the same story.” This “same story” precedes and unites all other stories that a member of American society might have about themselves or their origin. This is especially notable because Brooks identifies Jewish-American specifically. However, as the article began, and as it unfolds, Brooks specifically ties the idea of a European history to a Christian history--a legacy of puritan self-criticism. He calls this, “American Civil Religion.” As his opening quotation reads, these benevolent Europeans were preoccupied with discourse on two major ideas: first, that “God had called” Europeans to “create a good and just society on this continent” and second, that “they were screwing it up.” In other words, there was an inherently Christian divine providence imbued in the very nature of colonialism and westward expansion. This providence dictated that a civic religion built upon the concept of self-criticism was both good and just, and that the process of self-criticism need not tackle the Others of Europe—for they are not the subject; they are not the self; they are the object through

which the self is determined. In fact, to Brooks, perhaps the only judge of the Others and their worth is how well they could conform to America's civic religion and to the process of emulating European human-ness.

“The Country's Civic Religion”

The Promised Land

To establish the idea of European ancestry and its direct ties to American-ness, Brooks paints America as a “promised land”—free from the traditions of Europe, but with all the intrepid attitude of Europe's explorers who were the “first” to settle North America. He implies that the revolutionary war was instrumental in creating this unique American identity (never mind the military aid that the colonies received from other expedient European powers, or the protracted constitutional developments from 1776-1791). Brooks writes,

By 1776, this fusion of radical hope and radical self-criticism had become the country's civic religion. This civic religion was based on a moral premise — that all men are created equal — and pointed toward a vision of a promised land — a place where your family or country of origin would have no bearing on your opportunities (2017).

Painting the United States as a promised land is one way that the narrative of westward expansion relies on the religious (Christian) promise of the Americas to the West--manifest destiny was a tool of colonial powers that sought the natural and man-based resources of the larger North American continent. This expansion was particularly based on violence against the indigenous and the transatlantic slave trade, both of which are justified by calling the victims ungrateful, and by positing the violence of westward expansion as “civilizing”. Tink Tinker, in his article, “Redskin, Tanned Hide: A Book of

Christian History Bound in the Flayed Skin of an American Indian” (2014) synthesizes how this narrative of a civic religion was strategically used to justify violence against Native Americans. He writes,

“All too often the truth of the euro-christian history of violence has been replaced by a comforting counter-narrative, a myth, of imputed Indian violence that functions to justify any and all acts of christian violence. Indeed, the history of christian violence, especially on this continent, is habitually erased from the romantic american narrative of exceptionalism” (p.4).

The civic religion that Brooks espouses is indeed a myth, a narrative strategy of whiteness to erase the history of European settlement. Brooks parlays this narrative into an admonition of the national anthem protests, but it is important to recognize that this narrative characterizes the response of protest detractors. Once again we can recall how Montez de Oca and Suh demonstrate that the players (protesters) are framed within the sports/media complex as “traitors or ingrates” (p. 573). In this way, the players are both the product of the sports/media complex on the field of play, and the medium through which a white/European/American subjectivity taps into historical throughline. Brooks is simply a prominent and concise example of where this narrative fully takes shape.

An Ethos of Reform

Brooks also implies that the “civic religion” or “foundational creed” of America of radical hope and self-criticism is at the heart of every significant progressive policy made within the US, “Over the centuries this civic religion fired a fervent desire for change. Every significant American reform movement was shaped by it.” Once again, Brooks posits America and the protest through the logic of the Western subject,

McLuhan's and Kant's man. The idea is that man simply thought hard enough and voila, reform happened.

Brooks credits little to the sacrifices of activists in the United States who fought against the status quo. This is consistent with what Frederick et al. (2017) and Gill (2016) describe as the white frame. Again, Montez de Oca and Suh's call to the white frame rings true, "Central to this white frame is the idea that the nation and its institutions, especially the police and military, are the authors of prosperity and freedom for everyone" (p. 573). Within the world that Brooks articulates, the police and the military simply served the function of keeping the country safe so that the country's thinkers (subjects) could come to the reformational conclusions of bettering the country with the passage of such things as the Voting Rights Act and Civil Rights Act. Indeed, Brooks sidesteps crediting activists with resisting or reshaping something about America, by engulfing activists into "America's Civic Religion", giving the example of Martin Luther King Jr as an adherent to this religion. Somewhat ironically, Brooks argues that Colin Kaepernick and the NFL anthem protesters actually distanced themselves from Dr. King by rebuking the civic religion that Dr. King held so dear. He writes, "Martin Luther King Jr. sang the national anthem before his 'I Have a Dream' speech and then quoted the Declaration of Independence within it."

Through the formulation of America's civic religion as just, and everything else as unjust, Brooks is able to say that reverence is the standard of acceptability. If one is not reverent enough, all of the other content of their speech can be rightly ignored, due to

the simultaneous fragility-and-strength of American security. Brooks describes the social practices of observing this civic religion as moments of reverence.

“Moments of Reverence”

Brooks describes moments of reverence as the practices which allowed for America’s “civic religion” to proliferate. He writes,

Over the years, America’s civic religion was nurtured the way all religions are nurtured: by sharing moments of reverence. Americans performed the same rituals on Thanksgiving and July 4; they sang the national anthem and said the Pledge in unison; they listened to the same speeches on national occasions and argued out the great controversies of our history.

One of the biggest errors in Brooks’ logic here is that no, Americans haven’t always performed the national anthem before football games as a traditional moment of reverence. This is to say nothing of Americans supposedly and spontaneously singing the national anthem or reciting the pledge of allegiance anywhere outside of a school. In fact, the idea of the national anthem at football games was the subject of a debate on the most prominent sports talk program *First Take* which took place just two days before Brooks’ article was published.

This debate that took place about the National Anthem on the ESPN sports talk show, *First Take* is particularly significant because regular hosts Stephen A. Smith and Max Kellerman go back and forth in pointing out that athletes in the NFL did not even stand for the national anthem until 2009, and that the decision to have players stand was a marketing ploy committed in partnership with the US Army and other military branches. The debate begins because Molly Qerim, then moderator for the show,

prompted the hosts with the following quotation from Dallas Cowboys owner Jerry Jones:

“The forum of the NFL and the forum on television is a very significant thing. I’m for it being used in every way we can to support the great great contributors in our society and that’s people who have supported America, the flag, and uh...there’s no reason not to go all out right there. And for anybody to use, uh, parts of that visibility to do otherwise is uh, really, uh, disappointing” (*First Take*).

It is no coincidence that Jones’ sentiments here echo those of Brooks, Ginsburg, and other patriarchal patriots. Continuing, Smith and Kellerman begin by debating these statements made by Jones on his radio show. Jones, as shown above, expressed his ‘disappointment’ with the protests taking place across the NFL during the National Anthem. Max Kellerman begins by saying “Of course Jerry Jones is disappointed by it...of course he is. He is a rich old white guy who gets to own the Dallas Cowboys. How many African American owners are there in the NFL?” “Zero.” Smith replies.

Kellerman continues by arguing that this fact is not because ‘African Americans have less interest in the NFL’ but rather that, “...the inequity here is a result of hundreds of systemic oppression, starting with the country’s original sin [slavery] which has not been fully remedied yet.” Max further continues to explain that Colin Kaepernick’s actions would naturally disappoint those who are benefited by the status quo, calling Jones’ comments “tone deaf.” After Kellerman comments, Stephen A. Smith, deposes Jerry Jones in general, and describes that Jones’ attitude constitutes the attitude that Colin Kaepernick’s protest is about, and that it “...justifies what Colin Kaepernick has done.”

At this point, we can conclude that Brooks is writing his editorial without engaging with the prominent public discourse that was taking place on the issue at the time. If he had, perhaps Brooks would have contended with the idea that Colin Kaepernick's protest was justified under the same ideology of self-criticism in which he so fervently believes. However, the debate continues. After a back and forth with Kellerman, Smith then turns to the most consequential content in this rhetorical act: Smith begins to describe the process that the NFL undertook to begin using the national anthem as a marketing tool. He reads off of his paper and creates the following quotation:

Let me read something to ya'll real quick. It wasn't until 2009, that until 2009 no NFL player stood for the national anthem because players actually stayed in the locker room as the anthem played. The players were moved to the field during the national anthem, because it was seen as a marketing strategy to make the athletes look more patriotic. The United States Department of Defense paid the National Football League \$5.4 Million—[Kellerman interjects: "Paid patriotism that's what I've been talking about!"]...\$5.4 Million Dollars between 2011 and 2014 and the National Guard \$6.7 million between 2013 and 2015 to stage on field patriotic ceremonies as part of military recruitment budget line items (*First Take*).

The conversation ends here as Smith and host Molly Qerim both say "And then there is that!" Smith here contends that the NFL sees the national anthem as a marketing opportunity to partner with US military organizations such as the National Guard. Smith explains how the NFL has been paid millions of dollars on behalf of this marketing campaign in order to secure the services of the US military to provide gratuitous displays (such as fighter-jet flyovers) during football games. Smith thus explains that the inclusion of the national anthem 'ceremony' at the beginning of games is a relatively new phenomenon that is explicitly tied to these military marketing efforts.

Brooks further ignores the reality of this “moment of reverence” he finds to be so important by harkening to a previous time when the evangelization of patriotism simply worked better--unknowingly writing about a time when the national anthem was not observed before NFL football games. He writes, “All of this evangelizing had a big effect. As late as 2003, Americans were the most patriotic people on earth, according to the University of Chicago’s National Opinion Research Center.” To borrow Kellerman’s phrase, Brooks has trouble distinguishing between successful patriarchal patriotism and paid patriotism, at least in the case of NFL football games. If 2003 is the latest time that Americans were the most patriotic people on earth, it certainly has nothing to do with a practice that began in earnest six years later. Additionally, Brooks fails to recall that the 2003 poll from the University of Chicago’s National Opinion Research Center would have taken place at the height of post-9/11 fervor in the United States. This was, for instance, also a time when the support for the war in Iraq was at its highest, as well as one of the highest presidential approval ratings for George W. Bush (Pew Research, “Bush and Public Opinion”, 2008).

Civic Religion Under Attack

Brooks leverages this misinformed nostalgia for a more patriotic time to argue that America’s civic religion is in danger. He writes, “Recently, the civic religion has been under assault. Many schools no longer teach American history, so students never learn the facts and tenets of their creed. A globalist mentality teaches students they are citizens of the world rather than citizens of America.” This passage begs the simple question: what American history would Brooks want to examine? Certainly, he is not

calling for an investigation of the history of police violence and oppression, or an interrogation of the genocide of indigenous populations which existed long before Europeans arrived.

It is also profound to recall that Brooks began this very same argument by clamoring for the importance of a connection to a European identity. This type of oscillation between poles (of American-ness as inherently European, and of American-ness as inherently exceptional or anti-globalist) is a convenient example of how whiteness is strategically yet fluidly tied to a nationality rather than an ethnicity (Nakayama and Krizek, p.302). Importantly, Montez de Oca and Suh evoke Michel Foucault's discursive formation (as outlined in chapter 1) to argue that patriotism exists within and through contradiction. They write, "We view patriotism as a discursive formation that holds together competing and contradictory statements (Foucault, 1972) about what it means to be a loyal national subject, which presupposes an image and understanding of the nation" (p. 564). This presupposition depends on the flexibility of an agile national identity which can serve the purposes of power as they change from situation to situation. Thus, Brooks' article falters in its failure to consider the complicated and often contradictory nature of patriotism and its impact on different groups within a nation.

Montez de Oca and Suh continue, "Therefore, patriotism can contain different ideological positions but operates to construct loyalty to a nation-state as definitional of a moral subject and reifies the nation itself" (ibid). There is no consistency in Brooks' argument besides the need to establish the primacy of the American moral subject. This

moral subject is at once grateful for protection from the “Others of Europe,” a distance from “the places they left behind,” and for a teaching of a version of American history which would emphasize the influence of European settlers and ignore the history of indigenous genocide, and the transatlantic slave trade.

This oscillation suggests that whiteness is indeed fluid, and how the American nationality Brooks idealizes is symbolic of whiteness (ibid). Brooks continues to demonstrate the symbolic nature of his American civic religion as he writes,

Critics like Ta-Nehisi Coates have arisen, arguing that the American reality is so far from the American creed as to negate the value of the whole thing. The multiculturalist mind-set values racial, gender and ethnic identities and regards national identities as reactionary and exclusive.

However, Brooks’ argument takes on an almost pathological refusal to engage with the state of the NFL anthem protests as they emerged. Kaepernick’s protest did not begin with a kneel, but instead as Chapter 1 outlines, Kaepernick began by casually sitting during the rendition of the national anthem. As criticism mounted he publically shifted his protest from sitting to kneeling out of respect for the flag, and specifically for the military. He felt pressure to renegotiate his method because of backlash from the military community and former NFL player-veterans such as Nate Boyer. As Sandritter reports, Kaepernick capitulated to this pressure:

“From the time the protest gained attention, *Kaepernick reiterated he was not doing it to be anti-American or anti-military or to disrespect troops*. He was doing it to bring serious social issues to light and try to evoke change. That stance led to him slightly adjusting the protest. Kaepernick met with former Green Beret and brief NFL long snapper Nate Boyer, and after the discussion decided to shift from sitting to taking a knee during the anthem. ‘We were talking to [Boyer] about how can we get the message back on track and not take away from the military, not take away from

fighting for our country, but keep the focus on what the issues really are. And as we talked about it, we came up with taking a knee. Because there are issues that still need to be addressed and it was also a way to show more respect to the men and women who fight for this country” (Sandritter, 2016, my emphasis).

While Chapter 3 will engage with this shift more directly, the ignorance of this element of the protests is a palpable continuation of the patriarchal patriotic discourse of the time. As others did, Brooks continued to decry the lack of patriotism in the United States, conveniently ignoring the patriotic elements of the very protest he was critiquing. He writes,

There’s been a sharp decline in American patriotism. Today, only 52 percent of Americans are “extremely proud” of their country, a historical low. Among those 18 to 29, only 34 percent are extremely proud. Americans know less about their history and creed and are less likely to be fervent believers in it.

Brooks’ desire was for fervent believers, not for a productive protest. As Montez de Oca and Suh point out, the shift from sitting to kneeling was heavily influenced by the same type of Christian-American-civic-religion that Brooks seems so concerned about being “under assault.” They write,

“The outcome was a reframing of the protest as patriotic; a tactical shift from sitting to kneeling during the anthem. Kneeling is an act of supplication intended to convey respect towards objects of authority, in this case the flag that symbolizes the nation. The decision to kneel was overdetermined by US patriotism and Christian morality, as Reid explained his decision to kneel was guided by James 2:17 that states, “Faith by itself, if it does not have works, is dead” (Reid, 2017). The act of kneeling fused political protest to an act of supplication that quickly became iconic and was repeated across many different sports, from youth to professional leagues, and by a range of different performers including athletes, cheerleaders, singers, coaches, and at least one referee” (p.565).

Brooks was happy to discuss why he feels that patriotism is unpopular: he blames “counterproductive” instances of critique from black voices such as Ta-Nehisi Coates and

Colin Kaepernick. He blames an increasingly “globalist attitude.” But it is clear that Brooks and other detractors were ignorant of the reasons why Kaepernick’s protest was able to proliferate. As Montez de Oca and Suh demonstrate, the pivot away from a passively sitting to an active kneel was a consciously patriotic choice—a choice fundamentally based in Brooks’ articulation of civic religion.

The Reverent Citizen

As the above passage illustrates, Brooks’ argument against the protest is fairly straightforward: the protest is counterproductive because it represents a ‘globalist’ mentality which elevates racial identity above national identity. This national identity is rooted in the ideals and practices of the ‘Europeans who first settled this continent.’ Brooks impacts this argument by demonstrating that America is less patriotic than it used to be. For Brooks, the solution to the problem of declining patriotism is to respect the rendition of the national anthem as a special moment of reverence. As the following passage again demonstrates, Brooks’ argument is that unity through patriarchal patriotism is the only path to meaningful reform (or as he named it before, self-criticism). He writes,

“Sitting out the anthem takes place in the context of looming post-nationalism. When we sing the national anthem, we’re not commenting on the state of America. We’re fortifying our foundational creed. We’re expressing gratitude for our ancestors and what they left us. We’re expressing commitment to the nation’s ideals, which we have not yet fulfilled. If we don’t transmit that creed through shared displays of reverence we will have lost the idea system that has always motivated reform. We will lose the sense that we’re all in this together. We’ll lose the sense of shared loyalty to ideas bigger and more transcendent than our own short lives.”

However, Brooks also leverages this argument to say that there are deleterious impacts of protesting the national anthem beyond compromising avenues for reform. Brooks continues,

“If these common rituals are insulted, other people won’t be motivated to right your injustices because they’ll be less likely to feel that you are part of their story. People will become strangers to one another and will interact in cold instrumentalist terms. You will strengthen Donald Trump’s ethnic nationalism, which erects barriers between Americans and which is the dark opposite of America’s traditional universal nationalism.”

Brooks’ focus on “your injustices”, and not “our injustices” damages his argument that America’s traditional nationalism is universal. His case is built upon the idea that Europeans first settled this land with a mind towards self-criticism and democratic ideals, and yet he substantiates that there are many disparate groups at odds. Furthermore, he attempts to disassociate with Trump’s ethnic nationalism despite deploying the strategy of tying whiteness to a European identity. Through this strategy, “Whiteness, articulated through multiculturalism, retains its invisibility and racial neutrality. In so doing, it is then able to masquerade as anti-racist (Flores, 2016; Nakayama, and Moon, 2005). It is clear from Brooks’ deployment of this claim that he is seeking to recognize some common ground between protesters, who would obviously stand in opposition to Trump. Instead, he reifies the idea that the protesters are “the Others of Europe”, or in this case “the Others of America”.

Conclusion

The call to action that Brooks made is very clear: the NFL anthem protests, and the protests which emulated them, needed to end. Brooks arguments are consistent with

how Montez de Oca and Suh understand the delegitimization tactics of patriarchal patriotism. Again, “Instead of engaging with a non-white reality, patriarchal patriots instead focused on the threats and the harms *they experienced* from the protests” (p.574). It is undeniable that Brooks is primarily concerned with the harm that he perceives as occurring, as opposed to the harms and injustices felt by those protesting. The ways in which protesters are portrayed as ungrateful by patriarchal patriots such as Brooks, “works to invalidate the claims of the protesting players by assuming that the United States is a post-racial nation and color-blind state where police violence against racial minorities is a myth” (ibid). However, Brooks does not reproduce the authoritarian claims of some patriarchal patriots. Instead, he argues that the protests are misguided and counterproductive. This type of argument is another way in which patriarchal patriots are characterized by Montez de Oca and Suh. They continue, “Some patriarchal patriots’ discourse recognizes, at least rhetorically, that racial inequality is a social problem. These critics tend to argue that they oppose the method of the protests, not the message” (p. 575). Importantly, Montez de Oca and Suh articulate the same logic that Brooks employs, that abstaining from protesting and engaging in a moment of reverence would be an “object lesson in patience and moral fortitude for today’s young protesters” and that “they should place national ideals and unity over their own immediate material interests to honor the sacrifices of good negroes in the past” (p. 575).

Indeed, Brooks echoes the rhetoric that the material suffering experienced by black and brown people is best sidelined in favor of the unity of the nation (p. 576). He argues that the need for this sidelining is most apparent during moments of reverence and

the ritual traditions of America's civic religion. Brooks writes, "I hear you when you say you are unhappy with the way things are going in America. But the answer to what's wrong in America is America — the aspirations passed down generation after generation and sung in unison week by week." Brooks decries the "crisis of solidarity" that was apparent to him at the time, and the degradation of a "universal" American identity. The "looming post-nationalism" posed by anthem protesters was both a potential catalyst and cause of the solidarity crisis, "That makes it hard to solve every other problem we have." Brooks concludes by reiterating the importance of the national anthem, "When you stand and sing the national anthem, you are building a little solidarity, and you're singing a radical song about a radical place."

Brooks wrote his 2016 article "The Uses of Patriotism" from within the patriarchal patriot frame as outlined by Montez de Oca and Suh. While he recognizes that racial and social inequality are issues, he critiques the method of the NFL anthem protests rather than the message. His greater concern is for the "moments of reverence" that characterize America's "civic religion" of self-criticism and liberal-democratic decision making, which he explicitly ties to a Christian and European identity. In making this connection, Brooks reproduces the strategic rhetoric of whiteness, specifically the strategy that ties whiteness to a European identity as named by Nakayama and Krizek.

Chapter Three: “Dr. King, Not Malcolm X”: Kneeling as Constructive Patriotism

In September of 2017, the NFL anthem protests were at their zenith. Colin Kaepernick became a free agent in the offseason, and as the 2017 NFL season kicked off, he was still without a team. His free agency sparked discussions of the NFL “blackballing” him. The idea was that Kaepernick was good enough to be on a roster, but that his protest and the publicity that came with it deterred teams from signing him to a deal. Throughout the protest, many inflammatory remarks were made about Kaepernick and other protesters. For example, on September 22, 2017, the President yelled at a rally, “Wouldn’t you love to see one of these NFL owners, when somebody disrespects our flag, to say, ‘Get that son of a bitch off the field right now. Out! He’s fired. He’s fired!’” (Graham, 2017). The discourse surrounding Kaepernick often connected his labor to his protest in the explicit way that the President did: because Kaepernick and other protesters “disrespect the flag,” they should be fired.

Eric Reid’s *New York Times* opinion piece explaining “Why Colin Kaepernick and I Decided to Take a Knee” (September 25, 2017) represents a direct articulation of the protest’s intent. Reid argues the protest is explicitly patriotic, and expressed his frustration at the idea that people were still framing the protest as “against America.” He writes, “It baffles me that our protest is still being misconstrued as disrespectful to the

country, flag and military personnel. We chose it because it's exactly the opposite" (ibid). Colin Kaepernick articulated this notion about his original protest, sitting during the anthem on August 28, 2016,

"I have great respect for the men and women that have fought for this country. I have family, I have friends that have gone and fought for this country. And they fight for freedom, they fight for the people, they fight for liberty and justice, for everyone. That's not happening. People are dying in vain because this country isn't holding their end of the bargain up, as far as giving freedom and justice, liberty to everybody. That's something that's not happening. I've seen videos, I've seen circumstances where men and women that have been in the military have come back and been treated unjustly by the country they fought for, and have been murdered by the country they fought for, on our land. That's not right" (Sandritter, 2016).

The above quotations from Reid and Kaepernick demonstrate their connection to the ethos of the United States of America. They admit surprise at the reactions to their protest, and the characterization of them as unpatriotic because they see their actions as tied to the ideals of America. Again, Reid says they arrived at the decision to kneel rather than sit during the national anthem.

This chapter analyzes Lee Siegel's article "Why Kaepernick Takes the Knee" as an example of what Montez de Oca and Suh call "constructive patriotism", in their article "The Ethics of Patriotism" (2020). This chapter demonstrates that Siegel's article aligns with how Kaepernick, Eric Reid, and other protest supporters characterized the act of kneeling during the national anthem. Although Siegel's support of Kaepernick's protest through the frame of constructive patriotism differs significantly from the patriarchal patriotism analyzed in Chapter 2, this chapter concludes that the constructive patriotic frame offered by Siegel limits the radical possibilities of the protest. Specifically, Siegel's contrast between the kneel and more disruptive gestures, practices, and figures

approaches Kaepernick from within the strategy of whiteness which crudely relates whiteness to power (Nakayama and Krizek, p. 300). Constructive patriotism posits certain acts of protest as demonstrably patriotic displays, and other acts of protest as unacceptable or invalid. Siegel's article follows this line. Siegel articulates whiteness such that it is not completely rendered invisible, but so that the power inherent to the positionality of whiteness is hidden from analysis.

This chapter unfolds beginning with a rearticulation of constructive patriotism. Next, in the same way that Chapters 1 and 2 touch on how the protest began innocuously with Kaepernick sitting during the anthem, Siegel's article and the methods for analysis are briefly contextualized alongside the NFL anthem protests embrace of patriotism through the act of kneeling. Then, I analyze Siegel's article from beginning to end, focusing on the major arguments that he makes. First, Siegel argues that kneeling is an explicitly non-violent and respectful action, which is unlike other less acceptable methods of protest. Here, Siegel stridently espouses the values of the constructive patriotic frame. There are many sub-points to this argument, which are analyzed in turn. Second, Siegel articulates whiteness in the NFL to powerful actors, such as owners and fans. He articulates that white fans and owners had the power to impact Kaepernick's contract situation in the NFL, but he does so in a way that crudely ties whiteness to power and thus prevents a full analysis of the racial dynamics at play.

Constructive Patriotism

In the previous chapter, I analyzed David Brooks' article, "The Uses of Patriotism" through the lens of patriarchal patriotism. I demonstrated that this frame's

explanatory power to encapsulate the arguments of protest detractors such as Brooks can also be put into conversation with the strategic rhetoric of whiteness. In this chapter, I use Lee Siegel's article, "Why Kaepernick Takes the Knee" to demonstrate that the competing frame of constructive patriotism can be applied in much the same way. Specifically, I articulate that Siegel's occupation of the constructive patriotic frame represents the strategy of whiteness that crudely ties "white" with power. Before applying this frame, it is necessary to understand its dimensions, especially with respect to its differences and similarities to patriarchal patriotism.

To reiterate the introduction of Montez de Oca and Suh's comparison between patriarchal and constructive patriotism from chapter 1, they describe the standpoints of protest detractors and supporters respectively. Protest detractors see the United States as both worth protecting, and as a kind of parental figure to which its citizens (children) should be loyal. Thus, patriarchal patriots see the NFL anthem protesters as ungrateful in the face of the benefits offered by life in the United States. Protest supporters, on the other hand, occupy the space of constructive patriotism, which sees the NFL anthem protests as a useful and patriotic act. The clear similarity between these frames is that they emphasize patriotism as a worthy and indispensable social end. Both patriarchal and constructive patriotism operate within the logic of the nation state, as both interpret the betterment of the United States as a markedly achievable goal. Montez de Oca and Suh explain that this similarity between patriarchal and constructive patriotism is best understood as an ethic of patriotism, hence the title of their article. They write,

“The ethical vision of both CP and PP emphasize sacrifice, but the location of emphasis is different. Whereas patriarchal patriots emphasize soldiers sacrificing for the nation, constructive patriots emphasize protesters sacrificing for their communities. Kaepernick’s sacrifice of his career and income on behalf of racial justice and in support of a key US ideal – free speech – made him a hero to constructive patriots” (p. 577).

This chapter and the following chapter will demonstrate that reading the rhetoric of constructive patriots through the lens of sacrifice is apt. Specifically, Lee Siegel designates the kneel as a particularly vulnerable and sacrificial act. Furthermore, Siegel’s article reproduces the ethics of patriotism which rely on US-centric ideals. Continuing on the difference in emphasis as described above, another major difference between these frames is that they clearly disagree on the possibility for the NFL anthem protests to be a vehicle towards patriotism and the improvement of America. Eric Reid’s article mentioned above is used as a primary example of constructive patriotism by Montez de Oca and Suh. They write,

“Eric Reid explained his ongoing protest in The New York Times on 25 September 2017, ‘It should go without saying that I love my country and I’m proud to be an American. But, to quote James Baldwin, ‘exactly for this reason, I insist on the right to criticize her perpetually.’ Reid’s actions emblemize CP in that they involve the ‘questioning and criticism of current group practices that are driven by a desire for positive change’ (Schatz et al., 1999: 153)” (p. 572).

As Montez de Oca and Suh articulate, constructive patriotism is rooted in the idea that, “the nation as an imperfect, work in progress” (p.570). As the name implies, constructive patriotism sees this work in progress as a constructive process, in other words a process of nation building. This process is negotiated through the democratic and social interactions that citizens access through rights and provisions granted by the nation itself. Protest is a unique type of social interaction, which characterizes a type of noble

resistance to the undesirable or uncomfortable realities of the nation. Montez de Oca and Suh continue, “By protesting social harms, constructive patriots operate in the tradition of civil disobedience outlined by Henry David Thoreau (1969) in his critique of slavery and US militarism” (ibid). While patriarchal patriots see themselves as a part of the vanguard tradition against threats to the United States, constructive patriots implicitly see the United States as strong enough to withstand criticism and substantial reform. They see the expression of protest as a part of, not apart from, the American way. Indeed, these differences characterize how patriarchal and constructive patriots differ in their approach to patriotism.

Two main claims are dominant within the constructive patriotic frame. First is the contention that, “racial inequality and police violence undermine democracy;” while the second contention is “that protest is patriotic” (p. 576). Eric Reid and Colin Kaepernick’s quotations above express both contentions. Kaepernick’s quotations are most emblematic of the first contention, as he states, “People are dying in vain because this country isn’t holding their end of the bargain up, as far as giving freedom and justice, liberty to everybody” (Sandritter, 2016). Montez de Oca and Suh also characterize Kaepernick as delivering on this first contention, as they argue that Kaepernick’s protest calls out police violence as degrading the social contract, or the promise of America. They write,

“Since state violence in communities of color is an abrogation of the social contract, Kaepernick promised to withhold loyalty until the contract was restored. Consistent with the Radical Black Tradition, the central purpose of the protests was drawing attention to state violence that undermines democracy” (p. 576).

The legitimacy of the protest hinged on the fact that they emerged as a reaction to racial violence, which was defined as a transgression against the ideals of the nation. Conversely, Reid's selected statements most directly align with the second contention, as he articulates why he believes the protest should be understood as a possible driver of productive change. Montez de Oca and Suh continue, "The idea that patriotism is not one-size fits all and that protest is patriotic by improving the nation is central to CP ethics. Thus, constructive patriots see themselves as practicing *true* patriotism rather than nationalism" (p. 577, emphasis in original). Again, the definition of patriotism between patriarchal and constructive patriots was primarily concentrated on the acts and actors who characterized patriotic sacrifice. For constructive patriots, the focus on sacrifice allowed the protest to expand beyond its original demographic of NFL players to all kinds of emulators around the country. Among those who joined in the anthem protests were white athletes, who adopted the constructive patriotic frame and applied it to their own experiences:

"Some white athletes said their own personal experiences moved them to protest, such as professional soccer player Megan Rapinoe who related her experience of homophobia to racism (Rapinoe, 2016) and NFL player Seth DeValve who worried about the racism his bi-racial son would experience (DeValve, 2017). Sacrificing one's own short-term self-interests for the benefit of others by working on the nation is a key ethical obligation of CP" (p. 576).

Indeed, the act of kneeling was representative of this personal sacrifice, and it was described by many (including Siegel) as a markedly selfless act. However, Kaepernick and Eric Reid chose to take a knee only after Kaepernick began the protest alone by

sitting during the national anthem. The following section describes this shift and provides an overview of the text for analysis.

The Act of Kneeling: Text and Methods of Analysis

Lee Siegel's article "Why Kaepernick Takes the Knee" was addressed to national commentators and even perhaps the President at the time in decrying Colin Kaepernick's public portrayals as a disruptive force. Siegel argues that Kaepernick is not dangerous, but he is rather a patriotic and peaceful protester. As stated previously, Siegel's article is importantly contextualized by its timing. It was published on September 25th, 2017, during the early weeks of the 2017 NFL season. Siegel wrote the article partially as a method of advocating for Colin Kaepernick's method of protest, which was then being emulated by other NFL players. However, it is also clear that Siegel is lending support for Kaepernick to be accepted by the NFL and protest detractors, most notably Donald Trump. Somewhat ironically, Siegel never makes mention of how Kaepernick arrived at the decision to kneel as the mode of the protest. Siegel's text is ripe for analysis due to its espousal of constructive patriotism, yes, but also due to its obfuscation of Kaepernick's own justifications and decision-making process. This section breaks down the timeline from sitting to kneeling and discusses the kneel as an embracement of patriotism.

Colin Kaepernick's silent protest of the pregame rendition of the national anthem began in earnest on August 19th, 2016, although it went unnoticed. As chapter 1 recounts, Kaepernick repeated the protest on August 26th, but this time his image was aggregated on a San Francisco 49ers fan's Twitter. As Kaepernick's protest became a national story, backlash from patriarchal patriots began to obfuscate his own explanations

for the protest. They emphasized the disrespect for the US flag and military. As Montez de Oca and Suh write, this response was characteristic of the atmosphere of post-9/11 rhetoric,

“By refusing an obligatory rite of nation, Kaepernick rejected the patriotism that had become both an intrinsic part of post-11 September 2001 US culture and NFL branding (Bryant, 2018; King, 2008). Kaepernick’s refusal to reify the nation triggered vociferous condemnations of him for disrespecting the flag, the military, and the nation, and led many of his critics to label him as an unpatriotic traitor” (p.565).

Montez de Oca and Suh recount that Kaepernick and teammate Eric Reid responded to this backlash by meeting with former NFL player, and former Green Beret Nate Boyer. Boyer had written an open letter about the protest, advocating for Kaepernick to stand during the anthem. “The goal of the meeting was to shift focus from the flag, the anthem, and the military back onto the issue of police brutality (Stone, 2016)” (Ibid, p. 565). Although the protest originally began with Kaepernick acting alone, at this point the cat was out of the proverbial bag—Kaepernick’s protest was a major leading news story, and how he and his supporters handled the next steps would be intensely important no matter their decision. Montez de Oca and Suh explain how their decision-making process and the shift from sitting to kneeling was a tactical response to the strategic landscape of racial-patriotic backlash (Nakayama and Krizek, 1995; Nakayama and Moon, 2005). They write, “The outcome was a reframing of the protest as patriotic; a tactical shift from sitting to kneeling during the anthem. Kneeling is an act of supplication intended to convey respect towards objects of authority, in this case the flag that symbolizes the nation” (p. 565). As Eric Reid later articulated, this move came in

stark contrast to the accusations of patriarchal patriots who framed the protest as unpatriotic. Indeed, “The decision to kneel was overdetermined by US patriotism and Christian morality, as Reid explained his decision to kneel was guided by James 2:17 that states, “Faith by itself, if it does not have works, is dead” (Reid, 2017)” (p. 565).

Here, it is particularly important to recall the argument and text for analysis from chapter 2: David Brooks’ article “The Uses of Patriotism” attempts to argue that Kaepernick’s protest violated the civic religion of America. In contrast, the protesters themselves attempted to re-articulate their protest *within* this civic religion, invoking a christian morality and an explicitly patriotic stance. Montez de Oca and Suh explain that this re-articulation was emblematic of the discursive norms of the time,

“The constructive turn to patriotism, Christian morality, and deference to symbols of nation as a tactical response to the patriarchal reaction is unsurprising. Sport and sport media played an important pedagogical role in the hyper-patriotic, racialized backlash following the events of 11 September 2001 in the United States (Silk, 2013). This was especially true for the NFL that branded itself as patriotic and militaristic (King, 2008; Schimmel, 2017). The result was an image of the nation as under attack from both within and without by irrational, dark-skinned evil doers” (p. 565).

The tactic of shifting from sitting to kneeling was successful, as it created a clear word-image for pundits and supporters to latch onto (Deluca and Peebles, 2002; Deluca, 2014). The particularly religious, pious, and humble nature of kneeling was a major reason why this shift was successful, and it is the focus of the text for analysis in this chapter: Lee Siegel’s article “Why Kaepernick takes the Knee”. Montez de Oca and Suh conclude,

“The act of kneeling fused political protest to an act of supplication that quickly became iconic and was repeated across many different sports, from youth to

professional leagues, and by a range of different performers including athletes, cheerleaders, singers, coaches, and at least one referee” (p. 565).

The rest of this chapter traces Siegel’s arguments as they appear in the article, beginning with this particular idea that kneeling is a specific and noteworthy action. As this chapter explains, Siegel sees kneeling as a noble expression, and Siegel engages in the constructive patriotic framing of Colin Kaepernick, Eric Reid, and the NFL anthem protests.

Kneeling as Nonviolent: “A Militant Motion, Full of Anger and Menace…”

Lee Siegel’s article, “Why Kaepernick takes the Knee” was published on Monday September 25, 2017, one day after players around the NFL engaged in one of the largest anthem protests. On September 24, Donald Trump took to Twitter to denounce the protests, “Sports fans should never condone players that do not stand proud for their National Anthem or their Country. NFL should change policy!” he tweeted (Donald J. Trump [@realDonaldTrump]). The article seemed to be, in part, a response to Donald Trump and other protest detractors. Even though Kaepernick did not have an NFL contract at the time (and that he would never play in the NFL again), Siegel’s article did not focus on the active players who participated in the protest the day before. Instead, Siegel focused on Kaepernick as the originator of the protest, tracing the backlash to its originator as the main source of patriarchal patriotic anger. As the article’s title suggests, and as the previous section explains, Siegel was primarily concerned with the practice of kneeling itself. He compared kneeling to other similar acts of protest or solidarity that were taking place, or that had historically shared the same connotation of being anti-racial violence.

Siegel's first main argument is that kneeling is an explicitly non-violent act. He engages the constructive patriotic frame to underwrite his analysis, claiming that kneeling in this way is surely a well-thought-out and prudent form of protest. In other words, Siegel clearly sees the kneel as the most productive move that the protest could have employed. Given this perspective, Siegel expressed surprise or disappointment at the backlash given to the kneel. However, in doing so, Siegel explicitly denounced other historically important images of black athlete protests. He wrote,

“Given the fiery responses to Colin Kaepernick’s protest during the national anthem — taking a knee, a gesture now being adopted by a wave of professional athletes — *you would think that it was a militant motion, full of anger and menace*, akin to the Black Power salutes raised by Tommie Smith and John Carlos at the 1968 Olympics. But kneeling during the national anthem is a gesture of humility, not ominous ire” (my emphasis).

As explained in the previous section, Siegel did not engage with the short history of the NFL anthem protests and how they arrived at this particular gesture. Instead, he engages the constructive patriotic frame and argues that kneeling is a more productive form of protest than other acts might be. The idea that the Black Power salute of Tommie Smith and John Carlos was a “militant motion, full of anger and menace” is of particular note. The following section explores how this idea, and other sections of Siegel’s article, so crudely ties whiteness to power, expressed through the racial-patriotic frame. However, it is also necessary to understand Siegel’s argument in the context of patriotism as it was expressed by Kaepernick and Reid. Siegel, Kaepernick, and Reid were importantly aligned in their description of the kneel as an explicitly patriotic and pious gesture—one that maintained a healthy respect for the American flag, military, and

national moral character. Reid's article, published on the same day as Siegel's, echoes the sentiment that the kneel invoked a rhetoric of respect for tragedy. Reid described the loss of black life through police violence and brutality as a national crisis and described kneeling as a practice of recognition. "We chose to kneel because it's a respectful gesture. I remember thinking our posture was like a flag flown at half-mast to mark a tragedy" (Reid, 2017).

Note the similarity in reasoning between Reid and Siegel as they also describe the protest as a religious exercise. Reid wrote that when Kaepernick's protest was noticed and publicized, "my faith moved me to take action. I looked to James 2:17, which states, 'Faith by itself, if it does not have works, is dead.' I knew I needed to stand up for what is right" (Reid, 2017). Siegel quite similarly expressed that kneeling is a common practice for athletes to perform when another player is injured. He describes this practice of surrender when he writes, "In youth sports, players take a knee when another player is hurt. It is an acknowledgment of the vulnerable humanity that, for the moment, has been obscured by the intense competition of the game" (Siegel, 2017). Siegel articulates that this type of acknowledgement resembles the religious act of bowing and praying, "Taking a knee in that context is, like a religious genuflection, a gesture of self-surrender before the greater reality of human suffering" (ibid).

Just as Reid described the kneel as "like a flag flown at half-mast to mark a tragedy", Siegel described taking a knee as symbolic of a national emergency. He wrote,

"Likewise, when black players take a knee during the national anthem to protest police violence against African-Americans, they are making a gesture of pain and

distress. They are putting America in a more honest context — our “Star-Spangled Banner” dimly seen through the mists of deep injury. It is like flying an American flag upside down in a moment of emergency.”

In their responses to protest detractors who engage the patriarchal patriotic frame analyzed in chapter 2, Reid, Siegel, and indeed Colin Kaepernick himself engaged the frame of constructive patriotism. Reid wrote of the backlash directed towards Kaepernick, “Instead, to this day, he is unemployed and portrayed as a radical un-American who wants to divide our country” (Reid, 2017). Again, protest detractors such as Donald Trump tied their criticism of Kaepernick directly to his labor. They argued that he should be fired, or that the NFL should change its national anthem policies and require players to stand. Reid’s direct reference to Kaepernick’s “unemployment” will receive attention here and in the following chapter. Reid continued, “Anybody who has a basic knowledge of football knows that his unemployment has nothing to do with his performance on the field. It’s a shame that the league has turned its back on a man who has done only good” and expressed concern that “I am aware that my involvement in this movement means that my career may face the same outcome as Colin’s” (2017). Reid’s justification for continuing in the protest despite the risks to his career once again invoked a religious righteousness, “to quote the Rev. Dr. Martin Luther King Jr., ‘A time comes when silence is betrayal.’ And I choose not to betray those who are being oppressed” (Reid, 2017). While the direct comparisons between Siegel’s article and Reid’s explanation of the protest end here, it is once again imperative to articulate that each of these stances engages the frame of constructive patriotism as it is described by Montez de Oca and Suh. Siegel and Reid explicitly characterize the protest through a

Christian moral character. They each emphasize the importance of sacrifice, and of the suspension of other concerns such as competition in light of the tragedy of racial violence. They see the protest as a productive site of discourse production which had potential to create meaningful change either through social awakening or political reform. It was precisely the not-quite-disruptive, but not-quite-innocuous quality of kneeling that Siegel in particular found to be so impactful. Siegel continued,

“Still, black players kneeling in this way has a disorienting quality. Clearly, however humble and sincere Kaepernick’s intentions, his critics have decided that he is disrespecting a growing list of American institutions: the flag, fallen service members — even the perceived line between playing professional sports and speaking out on issues of national importance.”

Here, Siegel directly rebukes the frame of patriarchal patriotism in favor of constructive patriotism, as he extends an interpretation of Kaepernick’s intentions. Much like Reid, Siegel wants his audience to understand the humility and sincerity intended by Kaepernick and the other protesters. However, Siegel departs from Reid and other protest supporters in his emphasis that the mode of kneeling was a key piece of the protest’s transformative power. He obviously expressed concern at the potential for alternative “militant” or “menacing” gestures to be adopted by protest supporters, but also balked at the idea of doing something else that didn’t produce the same imagery of religious genuflection, or crisis recognition. Siegel was wary of some of the alternate acts of solidarity, such as standing and locking arms during the anthem, which took place across the NFL the day before his article was published. On September 24, the New York Times published a collection of posts and updates which tracked the activist activity in the NFL titled, “After Trump Blasts N.F.L., Players Kneel and Lock Arms in Solidarity”

(2017). Among these posts and updates were images and reports of players such as Tom Brady locking arms and standing during pregame renditions of the national anthem across the league, and reposts of Donald Trump's tweets about the matter (such as the one quoted at the opening of this section). Siegel took issue with both Trump's responses and the players who locked arms. I will begin as Siegel did, with the criticism of players who locked arms, again referencing the line between politics and sports as a potential reason others were hesitant to fully commit to the protest in the way Reid and Kaepernick did. He wrote, "Perhaps that is why so many players, eager to sympathize but wary of joining Kaepernick completely, have instead stood and locked arms. Yet by doing so, they have, deliberately or not, diluted the original gesture of kneeling." This dilution, he argued, was resultant of the potential for confused messaging, and the participation of players who may not fully buy into the critique of racial violence offered by the NFL anthem protests through the kneel. He continued,

"Standing with linked arms during the national anthem could signify any number of things, from protest against racial injustice, to a gentle dissent from a style of protest that has alienated so many people. Likewise, the decision of some teams to stay in the locker room during the playing of the national anthem is ambiguous. Even players raising their fists lacks the relevance, and the unsettling resonance, of the Black Power salute from which the gesture is derived."

A large part of Siegel's dislike for locking arms was that it paled in comparison to kneeling in terms of the call to action—the necessary 'pause for emergency' as described by Reid and Siegel above. Locking arms, for Siegel, was not akin to hanging a flag at half-mast, or upside down during a tragedy, but was a half measure that left too much room for interpretation,

“The unique gesture that embodied a cry against, primarily, the murder by the police of unarmed black citizens — and, as an extension of those actions, a criminal-justice system that countenances those murders — has now been customized, if you will. The primal act that has incited so much passion has been marginalized as a gesture of protest.”

Siegel also balked at the idea that Donald Trump found standing and locking arms to be an acceptable form of solidarity during the national anthem, while simultaneously “blasting” the NFL for not punishing its players who decided to kneel. After sending out the tweet quoted above, Trump also tweeted, “Great solidarity for our National Anthem and for our Country. Standing with locked arms is good, kneeling is not acceptable. Bad ratings!” (Donald J. Trump [@realDonaldTrump]). Siegel lamented that, “Trump seemed to understand the significance of variation as concession when he announced Sunday afternoon that standing with linked arms was acceptable, while kneeling was not.” Siegel went so far as to implicate the political views of NFL owners such as Shahid Khan, who also participated in a pregame show of “solidarity” by locking arms with his players, “There was something disquieting about Shahid Khan, the owner of the Jacksonville Jaguars and a Trump supporter who contributed \$1 million to the president’s inaugural committee, joining arms with his players, who were standing, not kneeling.” For Siegel, the kneel represented the plainest opposition to the reactionary rhetoric of protest detractors. Kneeling, for Siegel, did not let Trump or NFL owners off the hook. Instead, it defied them in a way that maintained the moral high ground, which included an inherent respect for the country’s military. Again, kneeling was not “a militant motion, full of anger and menace”, but rather a sober and narrow performance of passive resistance, of self-sacrifice and surrender to the realities of racial violence. As Kaepernick said in his

initial explanation for why he sat during the national anthem, “I have great respect for the men and women that have fought for this country. I have family, I have friends that have gone and fought for this country. And they fight for freedom, they fight for the people, they fight for liberty and justice, for everyone” (Sandritter, 2016). This respect was again re-emphasized in the shift from sitting to kneeling as explained in the previous section.

However, the respect for the US military, and the avoidance of both sanitized protests (locking arms) and more “militant” protests such as using the Black Power salute all fall under the same umbrella of constructive patriotism. Montez de Oca and Suh articulate how the explicit respect for the military, the shift from sitting to kneeling, the involvement of figures such as Nate Boyer, and the fear driven narratives of patriarchal patriots created a power dynamic which inherently restricted the radical potentiality of the protest. They state plainly that although Kaepernick’s initial protest was in line with the Black Radical Tradition, it was this embrace of patriotic logic which created limitations in its transformative capacity. The particular intervention that I make here is to name the strategic rhetoric of whiteness at play, especially in relation to the tactical shift from sitting to kneeling.

In Nakayama and Krizek’s terms, patriotism here functions as a discursive formation, “The construction of ‘white’ as a category is replete with contradictions in the ways it expresses itself” (1995, p. 297). Patriotism is consistently associated with the respect for the military, which Montez de Oca and Suh properly contextualize within the logic of the post-9/11 security apparatus. This apparatus additionally acts as an assemblage—a non-linear relation of power. Montez de Oca and Suh write of the fear-

driven narratives that are employed by patriarchal patriots, and how they characterize the post-9/11 era,

“These fear-driven narratives suggested that innocent (white) Americans live in a dangerous world from which they need military, or at least militarized, protection (Sturken, 2007). The post-September 11 era has seen both an increased militarization of US police forces and police violence against racial minorities, especially African Americans, in order to stabilize crises in neoliberal capitalism (Parenti, 2008)” (p. 566).

It should be clear from our close reading of Siegel that he also interprets the kneel as a conscious and concerted response to racial violence. Rather than engaging the patriarchal frame, Siegel is constructive in that he believes this particular “tactic” of protest is well suited to deal with the strategies of racial oppression that were acting on black folks such as Kaepernick. However, an important part of Montez de Oca and Suh’s analysis can be combined with Nakayama and Krizek’s articulation of whiteness as a strategic rhetoric, and it is clearly present in Siegel’s argument that the kneel is the proper, non-violent, non-militant method to employ. First, Siegel, Kaepernick, Reid, and other protest supporters emphasized a respect for the military while ignoring that, “Violence by militarized police forces in communities of color and the increasing awareness of that violence through social media provided the context for the emergence of the Black Lives Matter movement and the players’ protests (Bryant, 2018)” (p. 566). There is a sharp and bright line between expressing anger of racial violence committed by police within the United States and critiquing the military. This line was purposefully not crossed by Kaepernick, Reid, and other protesters who saw keeping the focus on black lives within the United States as imperative. However, it was this embrace of racial-

patriotic logic that limited the transformative power of the protest, and ultimately led to its co-optation by corporations including Nike and the NFL itself. Another way to describe how Kaepernick and Reid saw the necessity to stay “on message” is to say that they wanted to maintain the ability to sell the protest to a wide audience. Montez de Oca and Suh see the adoption of racial-patriotic logic through the kneel as a clear invocation of liberalism and constructive patriotism. They write, “The patriotic turn in response to patriarchal patriots’ charges of disrespect forced constructive patriots to promote the military as the protectors of freedom” (p. 579). Of course, this patriotic turn also limited the ability for protest supporters to criticize the role of the US military in police militarization and violence. This, Montez de Oca and Suh articulate, limited the protest to ultimately return to a fundamentally racial-patriotic logic which reified the power of the nation-state,

“Similarly, the liberalism of CP limits the protests’ radical potential by reifying an ideology of militarism and the benevolence of the racial state. In short, it is an ideology of a labor aristocracy whose interest align with capital as can be seen in its support for militarism and appropriation by corporate interests” (p. 581).

This reification is seen clearly in Siegel’s efforts to pinpoint why the kneel is so important and effective to him. The following section continues to unpack his understanding of the kneel, but it shifts to a focus on the instances where whiteness is particularly named in Siegel’s article. I argue that Siegel reproduces the strategy of whiteness which crudely connects whiteness to power. Although Siegel names whiteness in relation to racial violence and Kaepernick’s kneel, he does so in a way such that “the majority (‘white’) position is not universal, rather it is particular to whites. And the power

embedded in this particular position is hidden from analysis” (Nakayama and Krizek, 1995, p. 298).

The Crude power of Whiteness: “There is Something Gladiatorial About Professional Football”

Siegel’s condemnation of locking arms while standing during the anthem was a foundational part of his article. To summarize his position as it is analyzed above, he saw kneeling as a kind of “goldilocks” form of protest. It is not too militant, and it is not too bland. It’s just the right level of criticality for Siegel, as it evokes an air of respect, self-sacrifice, and self-surrender. It is through his condemnation of locking arms and standing that Siegel can distinguish between bad actors such as Trump and Khan, and good actors such as Kaepernick and Reid. However, this is not the only important aspect of Siegel’s criticism of locking arms. It is through his condemnation of this half-measure that Siegel names whiteness specifically. In what might appear as a noteworthy departure from many other protest commentators—both for and against—Siegel addresses the racial inequality inherent to the NFL. He does this by arguing that Trump’s distinction between kneeling and standing with arms locked, quoted above, served the interests of predominantly white team owners (and others who wield power over black players, such as Shahid Khan).

Siegel leverages this argument along the same lines that Trump and Reid do: he ties it specifically to Kaepernick’s labor and the fact that he was without an NFL contract, “Trump’s dispensation for standing with linked arms must have come as a relief to the *white* team owners who, despite their loud defenses of the players’ right to air their

views, still have yet to make a job offer to Kaepernick, a very talented quarterback, effectively blackballing him” (my emphasis). Here, the nexus of power within the NFL anthem protests is articulated to the generalized “white” category, a generalized majority. And while Siegel does explicitly state that, “Three-quarters of the players in America’s most popular and most brutal sport are black”, he does not implicate the full power of whiteness as it acts on and produces their bodies for entertainment. This is not to say that the lone example of Shahid Khan (a non-white owner) undoes Siegel’s argument, it is to say that this particular calling out of “white owners” directly connects whiteness to power without a full interrogation of the complex relations at play. First, it frames white owners as having all of the power within the discourse around the NFL anthem protests, because they are the employer class who have the ability to “make a job offer to Kaepernick”. Siegel argues that Kaepernick has earned this job offer because he is a “very talented quarterback”, and that he shouldn’t be blackballed for his patriotic protest. This application of constructive patriotic logic fails to criticize the whole of the racial and class based dynamics which revolve around the NFL. It does nothing to critique the NFL as a part of a sports/media complex which is heavily influenced by and in partnership with the military industrial complex.

Again, rather than engaging directly with a critique of the relationship between the military and football, Siegel vaguely hints at it. He describes that, “There is something gladiatorial about professional football, for all the money being made by athletes whose wealth will be of little use to them should they sink into dementia,

beginning as early as their retirement in their mid-30s.” As I explained in chapter 1, Sut Jhally describes how the militarized game of football was instrumental to the development of the contemporary sports/media complex (1984, p. 53). Thus, “something gladiatorial” doesn’t quite capture the nature of how football is marketed, discussed, and played as a product of/for the sports/media complex. Although Siegel is certainly correct that the brutality of the sport factors into how audiences should understand Kaepernick’s protest, there is much more room for a radical critique which directly engages the relationship between militarism and football.

The closest that Siegel comes to such a critique is in continuing to describe the brutality of football, the likelihood of injury, and the relationship between football’s (black) players and its (white) fans. He writes, “Here are these black athletes about to be hurt for the enjoyment of so many *white* fans, even as the *white* world tolerates the ‘lawful’ injury of ordinary black people” (emphasis mine). Siegel here perpetrates several more instances of “reifying an ideology of militarism and the benevolence of the racial state” (Montez de Oca and Suh, 2020, p. 581). The first and most glaring example here where Siegel limits the radical possibility of the protest, or of any prescribed social action for that matter, is revealed when he says that the “white world *tolerates* the ‘lawful’ injury of ordinary black people” (my emphasis). The white world does not tolerate the injury of black folks, but it actively commits these lawful injuries as a part of the functioning of the state. These injuries are not hypothetically lawful, they are upheld time and time again by a legal system that is based on the destruction of the black body. The

killers and assaulters of countless victims walk free. Of course, Siegel's use of scare quotes around the word lawful is meant to evoke a type of sarcasm or a hyperbolic engagement with the reality of the law, but the rhetoric of tolerance vs. committal and the reality of the US legal system persists beyond Siegel's quip.

Furthermore, Siegel also deploys the strategy of whiteness which defines white through negation, as he presents whiteness as the generally default identity (Nakayama and Krizek, 1995, p. 295). He does this by reproducing the dichotomy between whiteness and blackness as a preponderance of difference. From within this logic, there are white fans, white owners, and black players. This logic ignores the reality of how racial-patriotic logic subsumes all other identities through the perpetuation of state violence (Ferreria da Silva, 2007)—this is to say that within constructive patriotism, even black and brown bodies “tolerate” racial violence and militarism, as they see the state as worthy of reform. Indeed, Montez de Oca and Suh articulate that it is Kaepernick, Reid, and other supporters' embrace of patriotism through the kneel itself that constitutes the liberalism of constructive patriotism which inherently limits the radical capacity of the protest. The kneel abdicates the critique in its defense and dependence on the material reality of the military, which “fought for this country” in great sacrifice. The kneel serves as a symbolic analogue for the flag, which is also displayed differently in times of emergency and tragedy. The kneel represents the self-surrender to a larger system that can ostensibly be reformed, but must never be fully upended, disrespected, or betrayed. Ultimately, Siegel's support of Kaepernick, and his attempt to explain “Why Kaepernick

Takes the Knee” is a paradigmatic instance of constructive patriotism¹ which brightly outlines the contours of the racial-patriotic logic of the kneel.

Conclusion

Siegel addresses a general audience of American observers as he engages in an explanation of Colin Kaepernick’s place within the NFL anthem protest. He articulates Kaepernick to his labor, to his role as a product of the sports/media complex and as a black athlete. In explaining how the kneel is a nonviolent display done with respect to the flag and military which preceded a gladiatorial sporting event, Siegel directs his critique at patriarchal patriots. Yet, he firmly places himself on the other “side of the same patriotic–racial coin”.

The call to action at the end of Siegel’s article extends the constructive logic of patriotic self-sacrifice and surrender through protest when he writes,

“Such a situation could well incite a fury of anger and frustration. Yet with the act of kneeling, these rare, gifted, often doomed human beings are shrouding their protest in a kind of self-abasement; a display of vulnerability and piety in the face of iron injustice. It is a humility couched in a majesty of pride, dignity, strength and unusual accomplishment. Kneeling in protest is out of the *playbook of Dr. King, not Malcolm X*” (my emphasis).

This quotation from Siegel is perhaps the clearest example of when he relates whiteness to power in a crude sense. The invocation of Malcolm X, and indeed Tommie Smith and John Carlos, as figures to fear for their “militant motions, full of anger and menace” is where the constructive and patriarchal logics of patriotism meet: they

¹ It is entirely possible that Siegel was one of the 6 sources from the NYT used in Montez de Oca and Suh’s discourse analysis. That doesn’t change my argument much, but I wanted to be sure to mention it, let me know how to handle it!

construct fear of the black body, especially the (hypothetical) black body which is willing to fully implicate the entirety of the racial state in stark defiance of patriotism. Montez de Oca and Suh conclude, “And while the protests became more inclusive by embracing patriotism, it also obscured the operation of the racial state in a politics of representation open to appropriation” (p.581).

In this way, Kaepernick is fashioned as a medium for Western subjectivity through Siegel’s article. He is understood as “one of the good ones”, an example of how protest or disruptive behavior should look from within the larger racial-patriotic system. Siegel articulates that the audience can understand something about themselves through Kaepernick, and “Why Kaepernick Takes the Knee”. For Siegel, it is important that the type of genuflection, vulnerability, and self-surrender in the face of racial violence be emulated and glorified. Lest someone perform a “militant motion, full of anger and menace.”

Chapter Four: “Justified on the Merits”: Kaepernick as Quarterback

In March of 2017, the NFL offseason free agency period had just begun. Colin Kaepernick had opted out of his contract with the San Francisco 49ers in order to pursue a long-term deal, and even then, the discussion of Kaepernick being “blackballed” was already taking place. Richard Sherman, a star of the Seattle Seahawks teams of the early 2010s which rivaled the 49ers and Kaepernick, was asked on ESPN’s *First Take* if he believed Kaepernick was being blackballed, “I’m sure he is,” Sherman immediately responded, “It’s difficult to see because he’s played at such a high level, and you see guys, quarterbacks, who have never played at a high level being signed by teams” (Kapadia, 2017). The conversation about Kaepernick’s employment status as an NFL quarterback transcended football and captivated the world of sports. In November of 2017, NBA star LeBron James weighed in on the controversy,

“I don’t represent the NFL. I don’t know their rules and regulations. But I do know Kap is getting a wrong doing. I do know that. Just watching, he’s an NFL player. He’s an NFL player and you see all these other quarterbacks out there and players out there that get all these second and third chances that are nowhere near as talented as him. It just feels like he’s been blackballed out of the NFL. So, I definitely do not respect that” (McMenamin, 2017).

James and Sherman were far from the only supporters of Kaepernick who believed he was being treated unfairly in not receiving an NFL contract for the 2017 season. James’ teammate and NBA athlete J.R. Smith tweeted, “@Kaepernick7 you deserve to be in the NFL your talent speaks for itself an [sic] I pray someone gives you a

chance you earned that” (USA Today, 2017). Head coach of the NBA’s Golden State Warriors, Steve Kerr was asked about Kaepernick’s situation with the NFL in October 2017, after they were not invited to the White House (a custom for league champions) by then President Donald Trump. He stated, “Oh, he is being blackballed. That's a no-brainer. All you have to do is read the transactions every day, when you see the quarterbacks who are being hired. He's way better than any of them” (ESPN, Oct. 2017).

Each of these examples, and more, from coaches like Kerr and former athletes like James, Sherman, and Smith emphasized Kaepernick’s talent and merit in comparison to other NFL quarterbacks at the time. They argue that Kaepernick has earned the right to a contract. However, Kerr elaborated on his comments saying, “But the NFL has a different fan base than the NBA. The NBA is more urban, the NFL is more conservative, and I think a lot of NFL fans are truly angry at Kaepernick, and I think owners are worried what it's going to do to business” (ibid). These business concerns were based on the, “the circus that would erupt if you signed Kaepernick. That's not justifying not signing him, but it's understanding what you're getting into" (ibid). The sentiments of these athletes and Steve Kerr were commonly held and repeated on sports talk shows and in articles throughout the beginning of the 2017 season.

The idea of a “circus” surrounding Kaepernick directly references the fanfare, publicity, and animosity directed at Kaepernick as the originator of the NFL anthem protests. As chapter 3 mentioned, Donald Trump yelled at a rally “Wouldn’t you love to see one of these NFL owners, when somebody disrespects our flag, to say, ‘Get that son

of a bitch off the field right now. Out! He's fired. He's fired!" (Graham, 2017). The question of a circus, and unwanted attention was one thing, but the arguments of Kerr, James, Sherman, and Smith were another: they were about Kaepernick's merit *on the field* of play. These arguments came from Kaepernick's rivals, and some of the most powerful figures in professional sports at the time. LeBron James and Steve Kerr's teams were in the midst of what would be four-straight NBA Finals appearances against each other. Smith was one of James' teammates on the Cleveland Cavaliers. However, some detractors attempted to argue that Kaepernick was not deserving of an NFL contract, and that his situation had little to do with any off the field issues, circus or otherwise.

This chapter analyzes Colin Fleming's article, "Maybe Colin Kaepernick is Just Not That Good." Here, I extend the framework of constructive patriotism offered by Montez de Oca and Suh and put it in conversation with Armond Towns' frame of the black body as a medium for the fashioning of the "human". I articulate that Fleming's approach to Kaepernick's anthem protests invokes the strategy of whiteness which implies that whiteness is scientific or natural. In this case, Fleming's stance is that Kaepernick can best be read through the application of objective meritocracy, which he attempts to prove using statistics and analytics. Fleming's heuristic is deployed as a means of providing an alternate explanation of why Kaepernick remained without an NFL contract in the early parts of the 2017 offseason. While Fleming speculates on the future of racial violence in the United States and of Kaepernick's career, he treats Kaepernick as a medium for exploring the "human" and decries the lack of meritocratic standards in NFL anthem protest discourse.

This chapter begins with an exploration of the strategy of whiteness which ties whiteness to a scientific or natural definition (Nakayama and Krizek, 1995). I put this theory in conversation with Armond Towns' theory of the black body as matter (Towns, 2016, 2019). Then, I proceed with an overview of Fleming's article and the methods of analysis. Finally, I analyze Fleming's article in terms of its three major takeaways. The first takeaway of Fleming's article is that the NFL anthem protests and Colin Kaepernick's off-the-field activities in general are more important than playing football. This idea of the productivity of the NFL anthem protests best fits the articulation of constructive patriotism as it has been used throughout this dissertation. The second takeaway is Fleming's array of arguments as to why Kaepernick did not have an NFL contract at the time. Fleming argues that blackballing, as Richard Sherman and many other protest supporters put it, had nothing to do with it. The third takeaway is where Fleming attempts to generalize the importance of his previous arguments. Here, he makes the claim that society has deemed merit to be relatively unimportant to other social concerns. After these takeaways are discussed, I turn to the implications of Fleming's piece for the broader discourse around Colin Kaepernick.

Whiteness as Scientific, Black Body as Matter

“A third strategy emerged which ‘natural’zes ‘white’ with a scientific definition. As a scientific classification, it holds little meaning other than reference to what people perceive to be superficial racial characteristics: ‘It just classifies people scientifically and not judgementally [sic].’ Within this discourse, ‘white’ means ‘nothing, except that is what color I am.’ We see here that whiteness is drained of its history and its social status; once again it becomes invisible. Jacques Derrida sees this invisibility as one that undergirds Western thinking: ‘White mythology-metaphysics has erased within itself the fabulous scene that has produced it, the scene that nevertheless remains active and stirring, inscribed in white ink, an invisible design covered over in

the palimpsest' (213). The history that constructed and centered whiteness becomes invisible and its functions hidden.” (Nakayama and Krizek, 1995, p. 300).

The orienting quotation above outlines Nakayama and Krizek’s identification of a third strategy of whiteness in their study, “Whiteness: A Strategic Rhetoric”. They articulate that, “By conceptualizing ‘white’ as natural, rather than cultural, this view of whiteness eludes any recognition of power relations embedded in this category” (1995, p. 300). This categorization of whiteness as natural encapsulates the ideology of racial superiority, and often ties whiteness to merit (Gillborn, 2008; Keval, 2021). Within this framework, success and failure is tied to merit in a way that occludes discussions of systemic bias, especially regarding race and gender (Nakayama and Krizek, 1995). My theoretical intervention is to say that this strategy of whiteness exemplifies how the black body is treated as a medium for the fashioning of the Western subject. This section begins with an investigation of the discourse surrounding Colin Kaepernick’s “blackballing” by the NFL. Then, I transition to an application of black feminist materialism, characterized by work by Armond Towns and Leong (Towns, 2016, 2019; Leong, 2016). Finally, I articulate the implications of combining these theoretical lenses before moving to the text and methods of analysis for this chapter.

Framing Kaepernick as (un)Worthy

When J.R. Smith, Richard Sherman, LeBron James, and Steve Kerr argued in 2017 that Colin Kaepernick was being barred from the league for his political beliefs, they did so from within the bodily knowledge and experience of an athlete. They each emphasized their abilities to watch and understand that Kaepernick belonged in the

league. Sherman “saw” other quarterbacks, and James knew by just “watching” Kaepernick that he was “an NFL player” (Kapadia, 2017; McMnamin, 2017). Kaepernick’s teammate Eric Reid wrote “Anybody who has a basic knowledge of football knows that his unemployment has nothing to do with his performance on the field” (Reid, 2017). These arguments do not rely on statistical analysis, but rather they emphasize lived bodily experience—a basic ability to perceive ability. This subtle rhetorical reality is important because it exists in direct comparison to many of Kaepernick’s detractors.

Kevin Seifert, an ESPN staff writer, published a column on March 20, 2017, titled “Colin Kaepernick's biggest problem? Performance, not politics” in which he outlined the statistical case against Kaepernick. Seifert employs a bevy of numbers, from Kaepernick’s completion percentage and total yards, to conclude that “When given a choice between players with relatively equal projections in terms of production, teams are likely to choose the one who brings what they perceive to be less controversy. What happens on the field is always the most important factor. So it goes” (Seifert, 2017).

A column called “‘Metrics that Matter’ is a “short feature that appears every weekday, highlighting a notable fantasy lesson to be learned from PFF’s advanced stats” published by one of the leading football analytics sites, Pro Football Focus, otherwise called PFF (Barrett, 2017). A feature was published about Colin Kaepernick’s contract prospects and fantasy football production on June 1, 2017, in the midst of Kaepernick’s aforementioned free agency. The feature concludes,

“Kaepernick is still unemployed and is unlikely to be named a starter wherever he lands. As for my own personal opinion on Kaepernick, I think he was once an average NFL starter, but has been playing at a backup-caliber level the past two seasons. *Among all 33 quarterbacks to play at least 500 snaps, Kaepernick was our worst-graded quarterback in 2015. In 2016, he ranked seventh-worst of 30 qualifying. Prior to that, he hovered around the NFL average*” (Barrett, 2017, my emphasis).

There are dozens of articles, blogs, and video segments from sports commentators that repeat these same statistical arguments. Of course, athletes and former athletes were no monolith when it came to Kaepernick. Tony Gonzalez, Hall of Fame NFL tight end stated his sentiments rather plainly to TMZ, “Last week, Kaepernick's lawyer predicted the QB would get picked up ASAP -- but Gonzalez literally laughed at the idea ... saying Kaep's not ‘good enough for the headache’ (TMZ, Nov 2017). However, the two prevailing claims that commentators made were either fully immersed in “objective” statistical measures, or they echoed the same sentiment as Gonzalez: the politics were not worth the price. The opening quotation of this section illustrates how whiteness operates to make itself invisible through the practice of naturalization. This process, Nakayama and Krizek articulate, “privileges the Mind in the Mind/Body hierarchy of knowing. By referencing whiteness through science, the historical and experiential knowledge of whiteness is hidden beneath a scientific category” (1995, p. 300). In this chapter, I argue that this strategy of whiteness is clearly applied to Kaepernick in the discourse that surrounds his free agency. Colin Fleming’s article “Maybe Colin Kaepernick is Just Not That Good” is a paradigmatic example of how the discourse around Kaepernick reproduces “the invocation of science” which Nakayama and Krizek argue,

“serves to privilege reason, objectivity, and masculinity, concepts that have long been viewed in the Western tradition as stable, and therefore more trustworthy, poles in the

dialectic relationships that exist as reason/emotion, objectivity/subjectivity, masculinity/femininity” (1995, p. 300).

Statistical analyses only go so far. Tom Brady had the best statistical season in 2015-16, performing well in touchdowns, passing yardage, completion percentage, and passer rating (the stats typically used to analyze Kaepernick). However, he was defeated by Peyton Manning and the Super Bowl Champion Denver Broncos in the playoffs. This was Manning’s final year, and he was plagued by injury and he struggled. During that season, Peyton Manning threw 17 interceptions in nine games and posted a Rating of 67.9. Colin Kaepernick threw five interceptions in eight games and posted a Rating of 78.5 (Pro Football Reference, 2015-16). The Broncos defense stopped Brady from winning in Denver in the playoffs. The stats would tell any observer Kaepernick was a better quarterback than Manning in 2015-16, and that may have been true if the stats painted the whole picture. As it turns out, football is a team game, and intangibles such as Manning’s legendary leadership and creativity matter. The stats would also suggest that Brady’s 2015-16 NFC counterparts (competitors for “best quarterback during that season) Drew Brees or Russel Wilson must have faced Manning in the Super Bowl. It was Cam Newton, who was only ranked in the top-5 in touchdowns that season, yet, his Carolina Panthers went 15-1 in the regular season that year and he won the MVP award. Pundits were fully capable of parsing statistics when it came to MVP voting; or at parsing that Manning was the better choice to start the Super Bowl over his backup, Brock Osweiler, who threw only six interceptions in seven games, and had a Rating of 86.4 compared to Manning’s 67.9.

Many of Kaepernick's detractors articulated a standard for his performance that was clearly different from that of other quarterbacks, both white and black. In doing so, they reproduced the strategy of whiteness which ties it to a natural or scientific definition. Instead of simply saying that Kaepernick didn't deserve to be on the field because of his political issues, as Tony Gonzalez did, they attempted to manufacture a statistical case against Kaepernick and Kaepernick alone. These same analyses were not applied to his supporting cast, as some Kaepernick supporters identified. One article from PFF finally concluded that Kaepernick was job-deserving in 2020, titled "The On-Field Case for Colin Kaepernick" (PFF, 2020).

However, as demonstrated by the late arrival of such an article, the statistical case in favor Kaepernick was rarely made in 2017. In this chapter I demonstrate that Colin Fleming's article "Maybe Colin Kaepernick is Just Not That Good" is a paradigmatic example of how "...the Black body functions as a communicative medium, or an extension of Western self-conceptions, so often overdetermined by whiteness" (Towns 2019, p. 6). Fleming's article leans into the limited statistical analysis which is touched on above in a way that occludes race, discrimination, and the body from the equation.

New Materialist Discourses and the Black Body as Matter

The NFL anthem protests are still a frequent piece of symbolism used by the Black Lives Matter movement (Streeter, NYTimes, 2020). The connection between the two movements as political projects is clear, and the overlap typifies the multitude of ways in which Black folk (especially athletes) in the United States have attempted to

convey their message of liberation. Harvard Student Angie Gabeau wrote in the school newspaper, *The Crimson*, earlier this year,

“Activism is inefficient without strategy, and we must apply pressure where we have power. Although it sometimes has adverse consequences, like Colin Kaepernick losing his job after kneeling during the anthem, activism through athletics has proven to be a widely successful endeavor. LeBron James, Serena and Venus Williams, Simone Biles, Colin Kaepernick, Tommie Smith, John Carlos, and many others have had a huge impact on Black activism by dominating their sports, and Black athletes should continue to use that power to advance the cause of Black liberation” (2023).

But the connection between Black Lives Matter, Black Liberation, and the NFL anthem protests can be understood in another way as well. As is summarized in Chapter 1, Armond Towns argues that the Black Lives Matter movement can be understood in three ways. First, it can be understood as an attempt to advocate that black lives “*matter* enough to convict White people of the murder of unarmed Black people” (Towns, 2019, p.6, emphasis in original). Second, it can be read as a way to state that black lives have historically not mattered in the West, a condition that Western knowledge production has erased, and profited off of. In contrast to these two poles, Towns offers the third reading of the Black Lives Matter movement which emphasizes the nature of matter itself. This reading emphasizes the question, ““Why do Black lives equal matter? This is not an argument that *Black people* are matter, but that blackness, as a construct, shares a consistency with the Western construct of matter” (ibid., emphasis in original). Towns’ collection of essays (2018, 2019) on this subject synthesizes and extends the positions offered by a variety of important works (Fanon, 2004, 2008; Ferreria Da Silva, 2007, 2017; Leong, 2016; McLuhan, 2003; McKittrick 2006; Wynter, 2003). Towns summarizes the relevance of Fanon and McKittrick in specific when he writes,

“McKittrick brings Fanon’s work into a Black feminist materialism that outlines the technologization of the Black female body in particular and the Black body in general for whiteness. Fanon and McKittrick hold key importance for our work in communication studies, which is to say that both mark the Black body as the tool utilized in the service of Western self-conceptions of race, gender, and sexuality” (2019, p. 7).

This chapter seeks to make two connections between the discourse of blackness as matter and the discourse of whiteness as a strategic rhetoric, while the following chapter will summarize the theoretical intervention induced by the present analysis. The first connection made in this chapter is that the scientific strategy of whiteness reifies the relationship between blackness and matter. This connection is nascent in the literature on new materialist black feminism. The second connection is based in the analysis of the NFL anthem protest, and more specifically an analysis of Fleming’s article: the way in which Fleming analyzes Kaepernick’s career, and frames his body exemplifies the practice of fashioning a Western subjectivity through the black body. Indeed, there is possibly no more paradigmatically “Western” or “American” figure than the NFL quarterback. In this case, I contend that Fleming analyzes Kaepernick’s body through the lens and strategy of whiteness identified above. In this way, this chapter and the following chapter answer and extend Towns’ research question:

“I want to posit a consistency between both matter and media that we in communication are apt to address: Both serve a function for the highly raced, gendered, sexual, classed construct that has historically been labeled ‘man.’ Thus, there is an isomorphism between matter and media” (2019, p. 7).

Text and Methods of Analysis

Colin Fleming's piece, "Maybe Colin Kaepernick is Just Not That Good" is the only text for analysis presented in this dissertation which details any of Colin Kaepernick's football exploits. In 2013, Kaepernick led his team, the San Francisco 49ers to the Super Bowl. By 2016, things couldn't have been much different for Kaepernick, who was no longer the presumed starter at the beginning of the season. His previous season was cut short by injury and ultimately, he required three surgeries on his shoulder (season-ending), thumb, and knee. He backed up Blaine Gabbert until, in the midst of his protest, he started his first game of 2016 in Week 6. The 49ers were one of the worst teams in the NFL that season, completing the season with a 2-14 record, going 1-10 with Kaepernick as the starter. However, Fleming's article does not contextualize Kaepernick in this way.

Fleming's piece is seemingly directed at commentators and supporters such as Richard Sherman and LeBron James, as Fleming attempts to argue that Kaepernick's unemployment can be explained in a justifiable way. This chapter analyzes Fleming's article and its major takeaways in order from beginning to end. Fleming begins his article by explaining the relative unimportance of football. This move is somewhat ironic, considering that Fleming then chooses to spend the rest of his editorial discussing intricacies of the sport. Then, Fleming develops a series of statistical and analytical arguments against Kaepernick's football merits. Finally, Fleming impacts his argument by discussing the implications of the discourse around Kaepernick for how merit is understood in our society.

I analyze this text through the lens of racial rhetorical criticism. As I work to apply the theories of the strategic rhetoric of whiteness (Nakayama and Krizek, 1995) and the black body as matter (Towns, 2019) to this article and the NFL anthem protests in general, I meet the call to action of Lisa Flores when she writes, “rhetorical critics must participate in the expanding area of racial rhetorical criticism” (2016, p. 6). The framework of the racial-patriotic state offered by Montez de Oca and Suh (2020) also has relevance for this chapter, as Fleming’s articulation that protest is more socially important than football engages the framework of constructive patriotism.

“Football, in the Larger Scheme of Things, is not that Important”

Colin Fleming’s article, “Maybe Colin Kaepernick is Just Not That Good” was published September 1, 2017, six days before the NFL regular season began. It concerned the idea that Kaepernick, who had initiated the NFL anthem protests during the prior season, was still without an NFL contract at the time. While many argued that Kaepernick was being “blackballed” or excluded from the league due to his political views, Fleming attempted to offer an alternate explanation as the title of his article suggests. He argued that Kaepernick was not deserving an NFL contract, not that he was being excluded for any other (ostensibly unjust) reason.

Fleming’s article began with a statement of support for Kaepernick’s protest, and a weighing of on-the-field and off-the-field activities. He begins his article by writing, “Whether or not Colin Kaepernick plays another down in the N.F.L., I’m going to say that he can achieve more off a football field than he — or anyone else in the sport — can achieve on one” (2017). Though his statement may seem supportive at kindest, or at

worst innocuous, the beginning of the article is the clearest moment where Fleming engages the frame of constructive patriotism as it is outlined by Montez de Oca and Suh in their article, “The Ethics of Patriotism” (2020). From within this framework, protest supporters articulate that the act of protest is patriotic because it “holds that citizens have an ethical obligation to oppose inequities and work on the nation through protest and dissent (Schatz et al., 1999)” (p. 564). Fleming continues, “Football, in the larger scheme of things, is not that important. Kaepernick, meanwhile, has a message about crucial aspects of our frayed but hopefully repairable nation that will continue to grow.” (2017). Here, another element of Fleming’s opening sentences emerges.

As Fleming weighs the importance of football with the “larger scheme” of things, he obliquely calls to the power dynamic of racial relations in the United States without naming it. He states that the nation is “frayed”, yet he decides not to identify the forces that have caused the division and uproar that the NFL anthem protest represented. Furthermore, by lamenting that the nation is “hopefully repairable”, Fleming invokes a key part of the framework of constructive patriotism. Montez de Oca and Suh articulate that constructive patriotism relies on the idea that the protest was a starting point for a national dialogue, and that from within this frame this starting point had no clear direction or goal besides the patriotic maintenance of the nation (the status quo). They write, “Regardless of its final outcome, constructive patriots argue that the protests are positive because they started a conversation necessary to solving racial injustice at an unspecified point in the future” (2020, p. 578). Fleming fully buys into the productivity of the NFL anthem protests as a method of instigating important conversations, but his

sentiment of “hopefully” repairable nation leans further into the unspecific spiral of how or when reparations would take place.

The constructive patriotic elements of Fleming’s piece conclude by once again de-emphasizing the importance of football relative to the non-specific social impact of the NFL anthem protests. He compares Kaepernick’s potential off-field legacy to the on-field legacy of any other player. He writes, “If he has the devotion to work for change, he could outclass Tom Brady, or any player you might name, as someone who did something that truly matters for future generations” (2017). While Fleming is correct that football may be insignificant compared to advocating for racial equality, the invocation of Tom Brady is a noticeable move.

In this quotation, Fleming re-articulates the productivity of Kaepernick’s protest through comparison to Tom Brady’s career. Brady is not only known for being one of the best NFL quarterbacks but was also an apparent supporter of Donald Trump before his election. As Massie and Place write for *The Independent*,

“The Buccaneers quarterback famously – or infamously – displayed a Make America Great Again cap in his locker back in 2015, when Trump was still running for president. When asked whether he thought Trump could win the election, Brady replied, ‘I hope so. That would be great’” (Feb 1, 2022).

The importance of the figure of Tom Brady in relation to whiteness and the NFL anthem protests is demonstrated as Massie and Place continue by quoting *USA Today* writer Nancy Armour,

“Brady’s ability to enter and exit the debate at his choosing, to shield himself from accountability, is the height of white privilege,” Ms Armour wrote in 2021. According to Armour, only white celebrities are afforded such a generous benefit of the doubt when it comes to political advocacy. Colin Kaepernick, she points out, is still being “blackballed” for speaking out against police brutality” (2022).

Regardless of the salience of Fleming’s inclusion of Brady—be it purposeful on this account or a genuine coincidence—Brady is a convenient and poignant example of how whiteness functions in relation to the NFL anthem protests. Furthermore, Fleming’s overall sentiment weighs much more heavily in this analysis: Fleming’s position is that the NFL anthem protests are a productive conversation starter that will “hopefully” contribute to some meaningful reform if the nation is “repairable”; but, this reform can only happen if Kaepernick (and others) have “the devotion to work for change” until an unspecified time in the future. This passage is one way in which we can see Kaepernick’s body as a medium for the “Western self-conception, so overdetermined by whiteness” (Towns, 2019, p. 6). As I argued in Chapter 3, it is imperative that the NFL anthem protests did not begin with a kneel. However, the kneel was the way in which Kaepernick articulated his body to a more patriotic stance. As Montez de Oca and Suh explain, the kneel itself is a way in which we can understand the capacity of Kaepernick’s body. They write,

“The turn to patriotism blunted the initially radical charge of his protest and allowed his kneeling body to become an icon of both scorn and inspiration. Withholding love for a racial state that uses violence to maintain racial hierarchies and his unrelenting critique of white supremacy drew scorn from patriarchal patriots. Sacrificing an NFL career for a cause and his courageous stand against white supremacists, including the US President, inspired constructive patriots” (p. 580).

In Summary, the first passage of Fleming’s article extolls the constructive patriotic potential of Kaepernick’s body. He articulates that Kaepernick’s body can create the conditions for meaningful social change, but only under vague and uncertain terms. Additionally, as he attempts to de-emphasize football to begin his article, he takes a hard

and contradictory transition for the rest of his piece to analyze why Colin Kaepernick is “just not that good”.

Something Useful to Consider: Kaepernick is not Good Enough

Fleming continues his argument by addressing the public discourse which characterizes Kaepernick as the victim of blackballing. He writes,

“But I thought it might be useful to at least consider something. The conventional wisdom is that Kaepernick, who opted out of his contract with the San Francisco 49ers after last season and has yet to be signed by another team, does not have an N.F.L. job on account of his politics” (2017).

Here, Fleming mentions another subtle half-truth. Kaepernick did indeed opt out of his NFL contract, but only after being informed that the San Francisco 49ers had no intention of employing him in the upcoming season. His team, again one of the worst all-around teams in the NFL in the 2016 season, had fired its previous coach Chip Kelly and hired Kyle Shanahan to replace him. Shanahan was quoted at the time saying that Kaepernick wouldn’t fit his vision for the system the 49ers would run. He said,

“Colin’s had a great career, and he’s done some really good things. I think Colin has a certain skill set that you can put a specific offense to it that he can be very successful in. When we first looked at it ... that wasn’t necessarily the direction I wanted to go. The type of offense I wanted to run was somewhat different and that’s why we went that type of direction” (Tafur, 2017).

Fleming’s emphasis seems clear: he is attempting to legitimize the idea that Kaepernick was “just not that good” while also omitting important details about Kaepernick’s body, and Kaepernick’s labor decisions. He frames Kaepernick’s exit from the 49ers as if it was Kaepernick’s choice. He continues to describe the “conventional wisdom” surrounding Kaepernick, writing, “In protest against racism and police brutality,

he won't stand for the national anthem, and he's increasingly outspoken on social issues. Earlier this summer in a tweet he likened the police to members of the fugitive slave patrol" (2017). Again, Fleming appears to satirize "conventional thinking", such as the sentiments of Richard Sherman and LeBron James who argued that Kaepernick was being blackballed. He continues, "N.F.L. owners, the thinking goes, must be racists who don't like his politics — or cynical pragmatists who don't like that their racist fans don't like his politics" (ibid). Once again, Fleming's preamble describes the popular contemporary discourse around Kaepernick as unreasonable and reductive. Fleming attempts to frame the conventional thinking around Kaepernick as purely binary, but does so in a way that suggests allegations of racism are unnecessarily cynical. Fleming then introduces the central thesis of his article,

"What seems to me more problematic than Kaepernick's not having a job is the general unwillingness to consider that this situation might be justified on the merits, given Kaepernick's current attributes, or lack thereof, as a quarterback, rather than assuming, as part of a kneejerk gospel of victimhood, that persecution must be the cause" (2017).

This is the central argument of Fleming's article, that Kaepernick's contract situation was the result of a meritocratic assessment of his attributes. Fleming's tone and vocabulary suggest that he has a disdain for those who make the arguments that Kaepernick is a victim of persecution. While Fleming's larger, more general point is to excoriate the "general unwillingness" to consider merit in the Kaepernick controversy, Fleming first attempts to analyze Kaepernick's on field production through statistics. He writes,

“It’s not hard to make a statistical case for why Kaepernick is not playing now. He threw for a mere 187 yards a game last season, which was good enough for 30th (in a league of 32 teams). For his career, he has completed fewer than 60 percent of his passes. Last season, 24 passers completed more than 60 percent. Kaepernick, at 59.2 percent, was ranked 26th. If you’re below 60 percent, you’re a fringe guy.”

The argument Fleming constructs ignores several key football-related-reasons as to why Kaepernick accrued these statistics; and, it omits several key statistics in Kaepernick’s favor. However, that is not why this particular passage is important. In a general sense, this passage is emblematic of a rising culture of sports data science and analytics (Parameshwaran, 2023). The entire industry of sports, and indeed the sports/media complex is based on this sports science apparatus. The NFL combine, for example, is an event in which draft prospects exercise, are measured by height, weight, hand size, etc. for scouts to assess their potential as a draft pick. The prevalent attitude is that “measurables” can be applied as the most objective or deterministic predictor of performance for a football player. That NFL players are drafted, rather than signing to their preferred team, is also an example of how sports leagues transcend typical labor protections and antitrust laws. Indeed, as Jhally outlines, “Sports change their rules and their playing times to attract mass audiences and accommodate network demands” (1984, p. 50). The establishment of draft and combine systems is one way in which these rules have been changed, and from within the sports/media complex these are perhaps the most interesting aspects of sports for fans. As mentioned in chapter 1, the first round of the NFL draft (where no football is played in any manner) receives higher ratings than the NBA Finals (Traina, Oct. 2021). NBA commentators have lamented for some time that free agency, the trade deadline, and the practice of team building is “damaging the game”

because it draws much more interest than actual athletic competition (Brewer, “NBA’s Free Agency Circus...”, 2019).

A more specific analysis of Fleming's arguments would determine that it falls short in completing the basic task of proving Fleming’s point. If there are 32 starting quarterback jobs available in the NFL and Kaepernick was ranked 26th, he clearly has a case to be on an NFL roster. Furthermore, if Fleming’s claim is that Kaepernick ought to be judged on his merits, why aren’t all of the statistics present in this analysis? It is clear that Fleming is arguing in bad faith and is attempting to obfuscate an investigation of the racial and political dynamics at play. This is one way in which the scientific strategy of whiteness emerges in Fleming’s piece, “whiteness is hidden beneath a scientific category” (1995, p. 300). Fleming hides the whiteness of the NFL, and of the NFL sentiments about Kaepernick, behind a veil of whiteness. Dave Zirin, writing for the *L.A. Times* on the opening day of the 2017 NFL season wrote, “Just this past week, as the season got underway, we saw general managers under the veil of anonymity express their belief that Kaepernick’s politics have nothing to do with his job prospects: He simply isn’t good enough to play”. Zirin continued by excoriating this general sentiment with the specific example of Fleming’s article, saying “This thesis was trotted out in the New York Times by Colin Fleming, who wrote a maddeningly ignorant piece called ‘Maybe Colin Kaepernick Is Just Not That Good’” (Zirin, 2017). Zirin notably argues one of the main points of observation of this Chapter, that other NFL players speak through their bodily experience to advocate for Kaepernick. He continues, “The people who play professional football disagree with Fleming. They think it’s absurd that Kaepernick is

without a team” (ibid). As Zirin points out, Fleming’s analysis comes up woefully short as a fully articulated statistical analysis of Kaepernick’s 2016 performance. Then, Fleming pivots to an important comparison for the purposes of this present analysis.

“He’s not a Matt Ryan-type Quarterback...”

As Fleming attempts to make the case against Kaepernick, he has already compared the potential for his protest to be productive to Tom Brady. In addition to the discussion of Brady above, he is notable because his team, aptly named the New England Patriots, had just won the Super Bowl against the Atlanta Falcons. The Falcons quarterback at the time was Matt Ryan, who had the best Quarterback Rating that season at 117.4 (Pro Football Reference). Fleming chooses Ryan as the next natural point of comparison, further demonstrating that his argument against having Kaepernick having an NFL contract came with unnecessarily high standards. He wrote, “More damning, Kaepernick was not asked to make difficult throws; he’s not a Matt Ryan-type quarterback, slinging the ball far down the field on deep crosses or challenging out routes” (2017). Indeed, comparing Kaepernick to Ryan is exceedingly irrelevant in a discussion of simply earning an NFL contract. Kaepernick’s quarterback rating for the 2016 season was 90.7, good for 17th best in the league and ahead of such quarterbacks as Cam Newton (who had appeared in the Super Bowl the year prior). Kaepernick also ranked ahead of Philip Rivers, Eli Manning, and Carson Palmer in this regard, and yet, Fleming was certainly not arguing against their contracts. Eli Manning is particularly notable for that season’s performance, as his team finished the season with an 11-5 record. Indeed, not being a “Matt Ryan-type quarterback” suggests something different

entirely about Kaepernick, and it has nothing to do with the types of throws he was asked to make on the football field.

Fleming articulates Kaepernick's body to an invisible standard of whiteness. The only quarterbacks his off-field or on-field accomplishments could possibly compare to are the Super Bowl participants from months prior (and *not* the 2016 Super Bowl participating Cam Newton, who's playstyle most resembled Kaepernick's). Fleming continues his discussion of how Kaepernick compares to other quarterbacks in the league at the time, as he writes,

“In the current iteration of the N.F.L., offense rules the day, with quarterbacks tasked to put up crooked numbers on the scoreboard. Kaepernick's job was to be a game manager, making the easiest, high-percentage throws. And he still struggled. What are you supposed to do with a guy like this? What can he do for you? Can he help you win?”

Fleming's argument that Kaepernick struggled at being a “game manager” is yet another way in which Fleming articulates Kaepernick's body to whiteness. This cliché term is often applied in a backhanded way, and was previously applied to Kaepernick's predecessor, Alex Smith (Bishop, 2012). Indeed, the term could reasonably be used to describe any quarterback, as managing the offense through the game is their job. Bill Polian, longtime Indianapolis Colts executive once quipped, “Every quarterback is a game manager, It's what the job is all about.” (Goldberg, 2008). Additionally, and once again, if the standard of “struggling” is not Tom Brady or Matt Ryan on the field, there are few who would measure up.

Fleming concludes this part of his article by predicting that Kaepernick would end up with a job. As of 2023, Kaepernick had never been signed to an NFL team again, although he expressed the desire to continue playing football (Scott, *Sports Illustrated*, 2023). Fleming writes,

“If Kaepernick deserves a spot in the league, it’s only as a backup quarterback. And he will eventually get a job as one, I bet, once quarterbacks start getting hurt. But the fact that he doesn’t have a job right now isn’t shocking, and it doesn’t have to be because N.F.L. owners are racists who are blackballing him” (2017).

In offering this alternative explanation for Kaepernick’s free agency, and in articulating it through such a lofty standard of Super Bowl quarterbacks like Matt Ryan, Fleming uses Kaepernick’s body as a means of understanding whiteness as the “natural order” of things. He suggests that his labor situation is due to a type of meritocratic natural selection, in which the Matt Ryans of the world would naturally succeed because of their “attributes”.

Furthermore, the way in which Fleming describes the discourse around Kaepernick is telling. He uses words like “kneejerk”, and “shocking” to paint Kaepernick supporters as overly emotional and irrational. In other words, he leans into what he claims is an objective analysis to delegitimize counterarguments. Nakayama and Krizek write,

“The invocation of science serves to privilege reason, objectivity, and masculinity, concepts that have long been viewed in the Western tradition as stable, and therefore more trustworthy, poles in the dialectic relationships that exist as reason/emotion, objectivity/subjectivity, masculinity/femininity” (1995, p. 300).

This is a primary way in which Fleming continually fashions an oblique idea of Western subjectivity through the use of Kaepernick's body. By applying the supposedly rational, "meritocratic/measurable" analysis to Kaepernick, he establishes Kaepernick as a medium for understanding what ideal subjectivity looks like. In order to find a job as a quarterback in the NFL, one would need to be a "Matt Ryan-type" quarterback, even if they were attempting to compete for a backup job.

This argument even goes so far as to handwave the violence of football, and the reality of Kaepernick's injuries which kept him out of the 2016 offseason and were ongoing during the beginning of Kaepernick's protest. Fleming "bets" that "once quarterbacks start getting hurt", Kaepernick would end up with a job. Fleming understands the inherent brutality of football. He anticipates the injury of some other quarterback as an opportunity for Kaepernick. Fleming's calloused analysis of the NFL, and of Kaepernick's place within it directs the reader towards an ideology of ruthless pragmatism. This is the read offered by Fleming's claims of merit: it is not enough to be meritorious, but one must also be willing to bet on the injuries of others in a kind of Machiavellian way. This theme will be repeated as the article comes to a close. The article ends as Fleming impacts his argument by stating that the general importance of meritocracy has waned; a trend that he fears beacons a weakening of society.

"A Non-Disgraceful Explanation"

The article "Maybe Colin Kaepernick is Just Not That Good" has a straightforward ending. As has been outlined above, the author, Colin Fleming, sees Kaepernick as a primary example of how the general public is averse to a critical

interrogation of merit. Fleming contrasts the public discourse around Colin Kaepernick with a rawer look at Kaepernick's attributes. However, throughout the article, Fleming maintains the position that football is unimportant, especially in comparison to Kaepernick's protest. In doing so, Fleming not only extends the constructive patriotic frame, but he undermines his own argument: which is that the way we evaluate football can teach us something about ourselves—about our humanity and the human condition. He writes, "The older I get, the less I care about football, but I do care about merit, and things being seen for what they are. 'Life is,' as Dostoyevsky wrote, and it is our job to figure out what the 'is' is. I believe that's one of the core responsibilities of *being human*" (2017, emphasis mine). Here, Fleming's establishment of a Western subjectivity through Kaepernick could not be clearer. He articulates that Kaepernick, as well as others whose merit would come up against a perceived systemic injustice, eschew what it is like to be human. He warrants this claim by lamenting that, "We don't do this enough anymore. We don't *ask the tough questions*. We seek to align ourselves with what I think of as the 'control voice' — whatever piped-in monotone is dictating a given narrative at the moment" (ibid, my emphasis). Fleming writes that the tough questions, or in other words, the "real questions" of our society are sidelined for the righteous indignation of the moral high ground, which typifies the new-age economy of online interactions such as Facebook forums, "It's easy to feel good about yourself when you're patting yourself on the back for your inability to never fail to take the moral high ground, which everyone who agrees with you reinforces and enables, one Facebook 'like' at a time. But there is *nothing real about that*" (ibid, my emphasis). Fleming projects a total control over the

terms “human” and “real”, and wields them as bludgeons to repudiate efforts of those who advocate against systemic injustice. It could be said that a part of Fleming’s logic reproduces the patriarchal patriotic lens of punishment for transgression, although his emphasis that the protest is more important than football suggests that he sees the football-viewing-and-consuming public as lazy or ignorant. He “doesn’t care about football”, but he “does care about merit”—in other words he’s too smart to care about football, and too smart not to care about merit.

Fleming further characterizes the public discourse about Kaepernick’s unemployment as unimportant, another way in which Fleming commits to a contradictory stance. He writes, “It doesn’t matter that Kaepernick doesn’t have a job; it matters that so few people even wonder if there might be a non-disgraceful explanation. We have become the anti-meritocracy.” As he decries the developments of “anti-meritocracy”, he once again argues that claims of systemic injustice have no place within his vision of a society which takes merit more seriously. He continues, “We resent those who outperform us, outwork us, outproduce us. And the person who has been *perceived to have been slighted*? He is whom we now adore” (ibid, my emphasis). Fleming’s inclusion of the “perceived slight” is yet another way in which he connects claims of systemic injustice to the irrational. As he applies this standard to “Kaepernick’s kneeling body” (Montez de Oca and Suh, 2020, p. 580), he not only engages the strategy of naturalizing whiteness, but he uses Kaepernick as a medium for fashioning Western “man”.

Conclusion

Colin Fleming's article, "Maybe Colin Kaepernick is Just Not That Good", contains three major arguments. The first argument is that Kaepernick's work related to the NFL anthem protests is much more important than football. Through this work, Fleming argues, Kaepernick could have more of an impact than Tom Brady or any other quarterback in the history of the NFL, should he stay devoted to change. This argument engages the constructive patriotic frame which frames Kaepernick's career sacrifice in favor of dissent as a noble, democratic, and patriotic event. However, Fleming transitions to his second argument by giving the audience something to consider: what if Kaepernick did not sacrifice his career, and he simply wasn't good enough to play in the NFL anymore? He offers a short and swift series of statistics in order to support this claim. Through the application of this "objective" view based on "merit", Fleming reproduces the scientific strategy of whiteness which articulates whiteness as natural. In doing so, he uses Kaepernick's body in specific, and the black body in general, as a medium for fashioning the Western subject. He concludes his article by impacting these smaller arguments to a more general one: that society/humanity is becoming an "anti-meritocracy". For Fleming, the discourse around Kaepernick is emblematic of how society has "gone soft" and stopped "asking the tough questions". He sees the calls to systemic injustice as excuses which hinder a more objective analysis supposedly based on merit above all else. The article concludes with the following quotation,

"I'd like to see Kaepernick get a job, because I find him interesting, and I'd like to see if he can solve the flaws in his game as he nears 30. But I'd like even more to see all of us challenge ourselves more, in ways that are more important to the world, and

to ourselves, than whether or not someone gets a job taking an ill-advised sack, or throwing the ball out of bounds so he can live to play another down.”

Within this quotation, Fleming once again de-emphasizes the importance of football, calling for the audience to “challenge ourselves more, in ways that are more important to the world, and to ourselves...” The challenge here is not for the audience to pursue their own happiness or their own vision of the good, but rather it is for the audience to adopt Fleming’s vision: one which would balk at making a systemic claim of injustice in favor of “working harder” and becoming more “devoted”. He argues that this is what “being human” is.

Fleming’s deployment of the scientific strategy of whiteness, his engagement of the constructive patriotic frame, and his fashioning of the “human” through the black body are excellent examples of how Colin Kaepernick was discussed by dominant subjects in 2016 and 2017. Chapters 2 and 3 offer similar conclusions about two other authors: David Brooks and Lee Siegel. As the analysis of these authors and their articles concludes, I move now to a discussion of the results of the present analysis and their theoretical impacts.

Chapter Five: “We Were All Supposed to be Grateful Just Because We Aren’t Slaves”

In his article, “‘What do we Wanna be?’ Black Radical Imagination and the Ends of the World” (2020), Armond Towns calls for a Fanonian approach to communications studies. He describes the position of the Other in relation to the theorization of the Western subject. He writes,

“Rather than as products of the West’s colonial project, the universal application of the self/Other positions Black people’s subjecthood as a certainty; rather than necessary for the West to position itself as a monopolizer of subjectivity, Black subjectivity was waiting to express its actuality, as the Other, unfairly denied via racism” (p.76).

This dissertation applies Towns’ argument to Colin Kaepernick and the NFL anthem protests. I have argued that the three articles by David Brooks, Lee Siegel, and Colin Fleming examined here operate as case studies which can help us observe the strategic discourse that constrained and animated Kaepernick’s protest. These three authors clearly position themselves within the logic of the self/Other as it is described by Towns. While the conclusions and focus of each article are different, the progression through each article and through a timeline of the protest demonstrates how Kaepernick’s body functions as a medium. Kaepernick’s body and the image of the kneel encapsulates a moment in history in which there is both an extension of and a limiting of the radically transgressive protest commonly associated with black athletes. Otherization, then, is the primary mode of relation the authors use to approach

Kaepernick's body and actions regardless of their conclusion or ideological alignment. The process of otherization is, as Towns describes it, "necessary for the West to position itself as the monopolizer of subjectivity" (ibid). Kaepernick spoke of his own process of learning about otherization at the Chicago Know Your Rights camp in 2017,

"I thought I was from Milwaukee. I thought my ancestry started at slavery and I was taught in school that we were all supposed to be grateful just because we aren't slaves. But what I was able to do was trace my ancestry and DNA lineage back to Ghana, Nigeria, the Ivory Coast, and saw my existence was more than just being a slave. It was as an African man. We had our own civilizations, and I want you to know how high the ceiling is for our people. I want you to know that our existence now is not normal. It's oppressive. For me, identifying with Africa gave me a higher sense of who I was, knowing that we have a proud history and are all in this together" (Branch, NYT, 2017).

Kaepernick describes the process of obliteration as it is presented in the work of Denise Ferreria da Silva (*Toward A Global Idea of Race*, 2007). In other words, he details the ways in which colonization acts to destroy the culture and identity of the colonized—in this case, through the teaching of history and the inculcation of nationalism. For Kaepernick, slavery and the teaching of American history compromised his ability to identify much about his own history beyond that he was "from Milwaukee" or that he was "supposed to be grateful" because he wasn't enslaved. While Kaepernick began in this place, he tells the story of how he rose out of it by connecting with his African heritage. Notably, he uses the phrase "It was as an African *man*" (my emphasis). Towns (2016) bases much of his theorization of the black body as media around the idea that black people have always had their own visions of their humanity. In this dissertation, I have argued that Colin Kaepernick and the NFL anthem protests can be beneficially understood in the context of Towns' theorization. Kaepernick's quotation

here, delivered during the same timeframe as the articles for analysis, demonstrates the complexity of the NFL anthem protest, its relationship to patriotism, and the identity positions that Kaepernick occupies as a black/African athlete.

In this final chapter, I will review the analysis offered in this dissertation and synthesize the conclusions I have drawn. This chapter will emerge in two sections. First, I review the analysis offered in this dissertation, focusing on the theoretical and methodological interventions made along the way. The emphasis of this section is to highlight the results of the present analysis while summarizing the various content areas that are included. Special attention is given to the work of Montez de Oca and Suh (2020). Their discourse analysis provides the foundation for my critique and represents an importantly symmetrical critique of the NFL anthem protests as limited in their radical capacity.

Secondly, I turn to the implications of this dissertation for the broader field of communications studies. This section reiterates the justification for this study amidst a larger disciplinary conversation about race and academia that is present in the literature utilized here (Nakayama and Krizek, 1995; Flores, 2016; Towns, 2020). I contend that there are three main areas of impact for this study: racial rhetorical criticism; new materialism(s); and social movement rhetoric. While the implications of this dissertation within these areas are narrow individually, together they compose a case which points clearly to the necessity of grappling with the “human” in communication studies. A closing statement which summarizes these implications concludes this chapter.

Review of Analysis

The three articles analyzed in this dissertation represent snapshots of how the NFL anthem protests and Colin Kaepernick were discussed during the height of the protest from September 2016 to September 2017. Although the protest, Kaepernick's free agency and labor conflicts with the NFL, and the discourse around Black Lives Matter continued beyond this time, these were formative moments of the protest which helped to define its circulation through public discourse. The impetus for this analysis was in part provided by another study, Montez de Oca and Suh's 2020 article, "Ethics of patriotism: NFL Players' Protests Against Police Violence". This article is a discourse analysis which traces the public debates about the NFL anthem protests. Just as Montez de Oca and Suh found that "each side operates from mirrored ethical positions that lead to competing conceptions of patriotism", I found that important texts engaged directly in the establishment of these mirrored ethical positions of patriotism. Protest detractors, such as David Brooks, are categorized by Montez de Oca and Suh's discourse analysis by the term "patriarchal patriotism" as they emphasize the authority of national institutions and practices. The authors use the term "constructive patriotism" to describe protest supporters, such as Lee Siegel, because supporters believed that the protest was productive and patriotic.

This frame of patriarchal and constructive patriotism(s) animates the present analysis because it provides a clear path toward applying a racial rhetorical criticism to the protest. Indeed, these ideological positions act as a filter for the analysis of the controversy (Goodnight, 1991) and social movement (Foust and Drazner-Hoyt, 2018)

that the protest represents. As chapter 2 demonstrated, David Brooks' article "The Uses of Patriotism" is a paradigmatic example of patriarchal patriotism. Brooks attempts to scold Kaepernick, and especially high school athletes that might have emulated him, as ignorant to the potential "counterproductive" nature of the protest. In Kaepernick's own words from above, Brooks essentially makes the argument that Kaepernick and other potential protesters ought to be grateful just because they aren't slaves. He speaks of the founding of the United States through the strategy of whiteness which ties white to a European identity (Nakayama and Krizek, 1995, p. 302). He writes, "When Europeans first settled this continent...God had called them to create a good and just society". Brooks' argument clearly takes place from within the frame of patriarchal patriotism, but it also exemplifies the fashioning of a Western subjectivity through the process of Otherization. Brooks occludes the violent genocide of native peoples and the history of slavery which constitute the founding of the United States. Thus, Brooks' vision of American history is the very same that would seek to separate Kaepernick from his humanity. Kaepernick's kneel is described by Brooks as an affront to America's "civic religion"—the combination of hope and criticism that Brooks says undergird American society. The national anthem, for Brooks, is a "moment of reverence" through which this civic religion can be observed. The use of such rhetoric marks Brooks as a strategic actor who attempts to engage patriarchal patriotism to connect whiteness to a pan-Western or pan-European identity.

In contrast, chapter 3 focuses on Lee Siegel's article "Why Kaepernick Takes the Knee" as an equally crystalline example of the constructive patriotism inherent to protest

supporters. While Siegel clearly favors Kaepernick's protest as a tactical response, he approaches this problem in a way that reifies the importance of patriotism and crudely articulates whiteness to power (Nakayama and Krizek, 1995, p. 300). Siegel seeks to fashion the decorous Western subject as nonviolent. Indeed, Siegel contrasts Kaepernick's kneel with a more "militant" act of protest or resistance. The comparison to unacceptable protests, such as John Carlos and Tommie Smith's Black Panther Salute at the 1968 Olympics, is a key way in which Siegel articulates the productivity of the NFL anthem protest. Siegel also describes the kneel in writing, "Kneeling in protest is out of the playbook of Dr. King, not Malcolm X". However, as I illustrate in chapter 3, the kneel itself is a fraught gesture which exemplifies the quick co-optation of the protest. As Montez de Oca and Suh argue, "the liberalism of CP limits the protests' radical potential by reifying an ideology of militarism and the benevolence of the racial state" (p. 581). Between Siegel and Brooks, we are offered examples of both sides of the debate over the usefulness of Kaepernick's protest. This dissertation contends that Brooks' articulation of patriarchal patriotism and Siegel's articulation of constructive patriotism are both rooted in the strategic rhetoric of whiteness which functions to maintain the self/Other dialectic.

Chapter 4 importantly expands the 2017 discourse which concerned Kaepernick and the NFL anthem protests to include a discussion of football. This expansion of Montez de Oca and Suh's frame is important because it recontextualizes Kaepernick's position within Cedric Robinson's Black Radical Tradition as a black activist athlete (Montez de Oca and Suh, p.566). By reengaging with the issues of performance and merit within sports, I am able to further explore how Kaepernick (and other athletes) are

strategically approached by powerful actors who attempt to explain away systemic bias. In this case, Colin Fleming's article "Maybe Kaepernick is Just Not That Good" represents a quintessential example of how whiteness is articulated as natural or scientific (Nakayama and Krizek, p.300). Fleming argues that he does not care about football so much as he cares about merit and provides a biased numerical case against Kaepernick's football value. He does this as a way of validating Kaepernick's status as a then free agent, arguing that Kaepernick simply didn't deserve a job. This, and similar arguments which analyze Kaepernick's performance in this way are shown to tie their definitions of merit to whiteness. The addition of Fleming's position adds a third dimension to the discourse which acted to strategically frame Kaepernick's protest which relates Kaepernick's body to matter.

While each of these authors has a different perspective and focus, the present analysis has illustrated that they operate from within the perspective of a strategic actor (De Certeau, 2011; Nakayama and Krizek, 1995). They seek to map the limits and confines of acceptable behavior, protest, and sports discourse. Each of them attempts to persuade the audience to think of Colin Kaepernick in a particular way, through the application of a particular "mask" to Kaepernick's public actions, persona, and athletic career. The following section further summarizes the conclusions drawn through this analysis and presents the implications of these conclusions.

Black Quarterback, White Masks: Further Implications

In his landmark work *Black Skin, White Masks* (2008), Frantz Fanon writes, "The black man is *comparaison*.^[2] That is the first truth. He is *comparaison* in the sense that

he is constantly pre-occupied with self-assertion and the ego ideal. Whenever he is in the presence of someone else, there is always the question of worth and merit” (p.185-6, emphasis in original). Fanon goes on to describe how the pursuit of self-recognition is a kind of white mask; in other words, the pursuit for Western subjectivity is impossible for those with black skin, because Western subjectivity relies on violence against the black body. Fanon continues on black liberation from slavery, stating that, “The black man was acted upon...The upheaval did not differentiate the black man. He went from one way of life to another, but not from one life to another” (p. 194-5). The idea that the black man was “acted upon” is referenced by Denise Ferreria da Silva when she speaks of the black body as “affectable” (2007, 2017). This affectability undergirds Towns’ contention that the black body, or rather the idea of blackness, functions as a technology through which whiteness is maintained. In this way, Brooks, Siegel, and Fleming operate through a political, symbolic, and scientific idea of Kaepernick—fashioning him into a media technology. I conclude that Brooks’ arguments about civility, and Siegel’s arguments about militancy, and Fleming’s arguments about merit are strategies of whiteness which exist to reify the Hegelian self/Other dialectic as it is described by Fanon and extended by Towns (2020). Brooks, Siegel, and Fleming all reject or occlude a discussion of the original reason for the protest: police violence and brutality. In one way or another, they all assume the benevolence of the racial state, the military, and the militarized police which disproportionately enacts violence on communities of color. Through Brooks, Siegel, and Fleming’s arguments, Kaepernick is given different white masks in order to reproduce the process of Hegelian self-recognition.

The mechanism of police violence and its ignition of the NFL anthem protest cannot be understated in this regard. Fanon specifically names police violence as the rhetorical structure of the Western nation-state, and therefore as the rhetorical structure of the human. He writes,

“In colonial regions, however, the proximity and frequent, direct intervention by the police and the military ensure the colonized are kept under close scrutiny, and contained by rifle butts and napalm. We have seen how the government's agent uses a language of pure violence. The agent does not alleviate oppression or mask domination. He displays and demonstrates them with the clear conscience of the law enforcer, and brings violence into the homes and minds of the colonized subject” (*Wretched of the Earth*, 2004 edition, p. 4).

The most important conclusion of this dissertation is that the strategic rhetorics, or white masks, employed by Brooks, Siegel and Fleming, are an extension of this “language of pure violence”. Brooks’ argument operates to reify the power of the nation-state, and to identify it with a pan-Western or European identity. Siegel’s argument places limits on the type of speech that is acceptable; and employs the symbol of Kaepernick in order to limit the transgressive power of civil disobedience in the face of abject violence. Fleming’s argument disassociates systemic bias from merit in an effort to rationalize the “natural” operation of whiteness. The arguments depend on and justify violence against the body of color—both the idealization of blackness and the material reality of black and brown victims. The rest of this chapter details how these conclusions have important implications for communication studies scholarship.

What do We Wanna Be? Engaging the Human

This dissertation is an example of racial rhetorical criticism (Flores, 2016). As I outlined in chapter 1, Flores explains that rhetoric cannot be separated from a racial

project of citizenship, nationhood, or colonization. This dissertation employs the method of rhetorical criticism (McKerrow, 1989) with attention to the fact that the discipline of communication studies is implicated in the production of white subjectivity. The present critique extends the framework of the strategic rhetoric of whiteness (Nakayama and Krizek, 1995) in an attempt to answer Flores' (2016) call to action for racial rhetorical criticism, and Towns' (2020) call to action for such criticism to engage the concept of the human. This pursuit manifests in an effort to perform what Sylvia Wynter calls unsettling the coloniality of being (2003). As Wynter concludes, the history of modern decolonial thought is predicated on a new science of the word—a new rhetoric which grapples with the human. She writes,

“If Césaire called in 1946 for a new science of the Word, a science therefore of our dual descriptive statements and thereby of our modes/genres of being human, doing so from the perspective of a poet—in 1988, the physicist Hans Pagel would make a parallel call in his 1988 book *The Dream of Reason: The Computer and the Rise of the Sciences of Complexity*. His call, too, was for a new frontier to be opened onto a nonadaptive mode of human self-cognition: onto the possibility, therefore, of our fully realized autonomy of feelings, thoughts, behaviors. The true leap, Fanon wrote at the end of his *Black Skins, White Masks*, consists in introducing invention into existence” (p. 331).

Indeed, the clearest effort in this dissertation to engage with a racial rhetorical criticism is in the application of the strategies of whiteness which I argue each text represents. Although sports, and more specifically the NFL anthem protests, are but one site of exploration for the strategic rhetoric of whiteness, this controversy represents a particularly visible and salient application of these strategies. There are two implications of this study with regard to racial rhetorical criticism. First, this project understands that strategies are not undertaken without purpose. Strategic actors, as they are described by

Nakayama and Krizek, specifically operate with the maintenance of their power in mind. This project joins an ever-growing body of literature which names the ways that strategies of whiteness operate to maintain domination (Tierney, 2006; Flores, 2016, 2017, 2018; Cramer, 2019), and the monopolization of subjectivity (Towns 2019, 2020, 2022). The broader objective of moving toward a Fanonian communications studies can be more readily achieved from within an understanding of how communication technologies and powerful actors operate. Thus, this analysis contains an impactful categorization of the purposes of specific strategies of whiteness applied to Colin Kaepernick during the height of the NFL anthem protests. The strategies of whiteness as a European identity (chapter 2), as crudely tied to power (chapter 3), and as scientific or natural (chapter 4) act to constrain the public debate on Kaepernick's protest. Secondly, and perhaps more impactfully, I echo Flores and Towns' calls for a racial rhetorical criticism which engages the whiteness of communication studies and the violence necessary to maintain the dominance of the Western subject. Further critical work is necessary to continue developing this "new science"—as Wynter writes, "The buck stops with us" (2003, p. 331). I believe that this framework is flexible and applicable to many sites of exploration. In summary, this dissertation produced an argument which confronts the human through racial rhetorical criticism and calls for more work which does the same.

Matter, Affectability, and New Materialism

This dissertation also articulates the positionality of Colin Kaepernick's body within the discourse of affectability (Da Silva, 2007, 2017); and within the tradition of

black (feminist) new materialism (McKittrick, 2006; Leong, 2016; Towns, 2019). This black feminist new materialism allows for a unique discussion of the nonhuman. The present analysis is therefore articulated to the larger framework of the Black Lives *Matter* movement and its three potential meanings (Towns, 2019, p. 2). This idea of matter and mattering has important implications, but the impact of this project here is most clearly illustrated in how it conceives of Colin Kaepernick's "body", or the idealization of Kaepernick which circulates through discourse. I have argued that Kaepernick's body functions as a medium or technologization for the maintenance of Western/white subjectivity.

The strategies of whiteness present in the texts for analysis each attempted to render Kaepernick affectable in particular ways. Brooks' argument is that Kaepernick's protest violates the sanctity of a civic ritual which *matters more* than the injustice of police brutality. Brooks implores Kaepernick and protest emulators to prioritize the meaning/mattering of the national anthem and moments of perceived unity through a pan-European identity. In doing so, Brooks establishes the white mask of the "reverent citizen" which he advocates for Kaepernick and supporters to adopt. Siegel supports Kaepernick through the negation of other, more radical means of protest. He fashions the white mask of the "righteous protester" for Kaepernick and supporters to adopt, while also expressing disappointment with protest detractors for their failure to differentiate between valorous and invalid forms of protest. The symbolic nature of the kneel, and thus of Kaepernick's use of his body, highlights the complex nature of the protest as a text for analysis. Indeed, Siegel argues that Kaepernick's protest does *matter* and that it ought to

be recognized within the formal structure of the Hegelian dialectic. Fleming argues that Kaepernick's protest *matters* much more than football, but that merit *matters* most. He decries the prevalence of discourses which emphasize perceived injustice, and fashions the white mask of the NFL quarterback with comparisons to super bowl participants Tom Brady and Matt Ryan. These are the various ways in which humanity and Western subjectivity are understood through the medium of Colin Kaepernick.

Thus, the present analysis points to the importance of emerging literature on new materialism (Barad, 2007; Bennett, 2010; Parrika, 2012; Harris, 2016; Gamble et al., 2019) and black media philosophy (Towns, 2022) as rich sites for future inquiry and theorization. The ideas of mattering and affectability are particularly key when applied to social movement, as the polysemic nature of each term is revealed. Communication studies must engage both the human and the realms of the non-human if it is to reconcile its relation to power and oppression. This brings me to the final implication of this project, the call for a critical read of the NFL anthem protests as a part of the sports/media complex.

Social Movement and Sports Rhetoric

Chapters 1 and 4 explain that the sports/media complex represents an array of strategic and tactical actors who are mapping and navigating a system of power. Kaepernick's protest, and NFL football in general, are important features of the sports/media complex and its relation to the historical militarization of the United States (Jhally, 1984, p. 53). As critics engage in analyzing social movement rhetoric, especially in the context of new media technologies (Foust and Drazner-Hoyt, 2018) it is imperative

for the material practices of media consumption and mediation to be interrogated. Jhally argues that sports have shaped and been shaped by the media technologies and practices which constitute their mutual economic viability. The consumptive practices of the sports spectacle has historically redirected or co-opted the activism of black athletes. While previous athletes such as John Carlos, Tommie Smith, Bill Russell, Muhammed Ali, Jim Brown and Kareem Abdul-Jabbar have participated in a tradition of Black resistance, their image has also been sold as a marker of the progressive nature of sports leagues. Colin Kaepernick's legacy within the NFL today functions in much the same way. In 2019, the NFL announced a campaign called "Inspire Change" which was designed to partner the NFL with organizations specializing in police relations and criminal justice reform (NFL Operations, 2019). In 2020, the NFL officially committed to the embrace of constructive patriotism, as commissioner Roger Goodell stated in a social media message "We, the National Football League, admit we were wrong for not listening to N.F.L. players earlier and encourage all to speak out and peacefully protest, We, the National Football League, believe Black lives matter" (Goodell, 2020). Furthermore, the NFL has since displayed messages of "end racism" and "it takes all of us" on endzones and helmets, but yet continues to accompany or even override those messages with its military marketing campaign, "Salute to Service" (Levenson, 2021). These are the material ways in which Western subjectivity and domination over the non-human (the environment, the indigenous, the black and brown) is realized.

As Kaepernick espoused in his quotation featured earlier in this chapter, he found his humanity "as an African man" (Branch, 2017). This is to say that his body and

subjectivity was previously defined through the language of “pure violence” of slavery and colonization that was taught to him, and enforced by governmental agents throughout his life and experience. Kaepernick thus reasserts his subjectivity by divorcing himself and his history from whiteness. His awakening through the observation of state violence ruptures Kaepernick’s relation with American-ness, and his protest became a disruption of a shared patriotic ritual. Yet, Kaepernick’s protest also revealed the ways in which his body remained affectable despite his expressed resistance to state oppression. Chapter 3 discusses how Kaepernick modified his initial protest in order to avoid criticism of the military. Not only does Kaepernick quickly perform a fundamental embrace of the racial-patriotic logic of constructive patriotism, but his justification for the shift from sitting to kneeling severed the connection between racial violence and the military. The contradictory contours of Kaepernick’s protest are a key implication of this study, because they exemplify the complexity of public controversy and social movement within the modern media landscape.

Conclusion

This project has worked to mark and incorporate whiteness into its analysis by critically questioning what constitutes the human. The texts for analysis presented here each reveal something about the complex nature of Colin Kaepernick’s NFL anthem protest. The sports/media complex and the strategic actors within it have the power to influence a great many facets of our society. Tactical actors such as Kaepernick are limited by discourses of acceptability and merit which act to constrain their radical potential. To summarize the above implications of this study, my argument is that Colin

Kaepernick can be beneficially understood through Fanon's idea of "tripling", which is to say he can be understood through the status of the non-being/matter/the affectable I (da Silva, 2017; Towns, 2019). Through his protest, he finds his humanity in a rejection of whiteness, and yet searches for a recognition of his humanity in his respect for the military embodied by the kneel. His symbolic act is forever his making and unmaking. It is simultaneously action and inaction, rest and movement. He has at once become a civil rights icon and a cautionary tale of the limits of acceptable civil disobedience.

Kaepernick has remained an activist and public figure, but he has not as-of-yet played in the NFL since he left the San Francisco 49ers in early 2017.

The tension that is built when one examines these uncomfortable realities about the NFL anthem protests is the strain of the rhetorical structure of Western subjectivity. In America, it depends on the racial violence that has continued in the wake of many social movements and conflicts from the Civil War to Civil Rights to status quo. The NFL has co-opted the anthem protests from within the sports/media complex, and it remains a preeminent cultural institution. And yet, we can understand Colin Kaepernick's many philanthropies (Branch, 2017) and his status as a symbol for social unrest in the face of racial injustice as an assertion of his humanity. His tactics contradict each other, as they function as both a means of survival (Towns, 2016) and capitulation to patriotic logic (Montez de Oca and Suh, 2020). My intervention is to identify that the forces that are pushing and pulling in different directions all speak the language of violence. They render his body inert. They make him kneel, and still castigate him as he does. The existence of these forces depends on the destruction of his body, on the destruction of the

idea of him as human. To name these forces in this way is to pursue a radical study of communication which provides one possibility for dismantling the systems of colonization and oppression.

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