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Master's Thesis

“We Believe in Diversity”: Brian Flores vs. The NFL and Structural Racism, Shortcomings of
the Rooney Rule

Submitted by

Chris Simmons

B.A. in Sociology, Trinity College, May 18, 2018

In Fulfillment of Requirements for the Degree of

Master of Arts in American Studies

Semester Spring 2023

Advisor: Professor Jordan Camp, Professor Steven Marston, and Professor Davarian Baldwin

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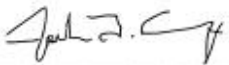
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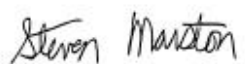
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Introduction

The National Football League (NFL) is one of the largest sports organizations in the world. As a result, millions of people watch games on a weekly basis. Professional sports are thought to be a complete meritocracy where people are rewarded based on skill and no other measure. This perception ignores the role that political and social ideologies play in sports. Despite the fact that on the playing field, many professional sports leagues are racially and ethnically diverse, professional sports leagues' management composition tells a different story.¹ When looking at sports there are numerous inconsistencies where structural racism is part of the foundation of a lot of sports institutions.² For the NFL, the misaligned incentives and priorities that characterize any effort to achieve diversity in hiring leadership positions are due to the structural racism within the institution.³ More specifically, the historical pattern of white privilege and Black disadvantage limits any policy changes designed to diversify the hiring pool of leadership positions within the NFL.

This thesis employs theories of racial formation and whiteness to better understand struggles over the structural racism prevalent in the NFL's hiring process.⁴ On February 1st, 2022, Former Miami Dolphins head coach, Brian Flores, filed a class-action lawsuit against the

¹ Gillian R. Brassil and Eleanor Lutz, "In 30 Years, Little Progress for U.S. Sports Leagues on Leadership Diversity," *The New York Times*, December 23, 2020, sec. Sports, 30, <https://www.nytimes.com/interactive/2020/12/23/sports/diversity-coaches-sports.html>.

² George B. Cunningham, Pamela Wicker, and Nefertiti A. Walker, "Editorial: Gender and Racial Bias in Sport Organizations," *Frontiers in Sociology* 6 (2021).

³ Walter Johnson, "What Do We Mean When We Say, 'Structural Racism'? A Walk down West Florissant Avenue, Ferguson, Missouri," *Temple University Press on behalf of the University of California, Santa Barbara*, Philadelphia, Pennsylvania, 3, no. 1 (May 12, 2016), <https://doi.org/10.15367/kf.v3i1.86>, 54.

⁴ *Ibid.*, 41. George Lipsitz's *The Possessive Investment in Whiteness* provides a detailed accounting of the ways that white freedom has been extracted from Black abjection in the twentieth century and also resonates within the structural makeup of the NFL.

NFL and all 32 teams, alleging racial discrimination in the hiring processes across the league. Brian Flores accuses the NFL of discriminatory hiring and retention practices that deny Black candidates an equal opportunity despite the League's "Rooney Rule," which requires teams to interview minority candidates for coaching or front-office vacancies.⁵ This lawsuit serves as a pretense for the investigation of the relationship between structural racism and the NFL hiring process. While it is difficult to understand and quantify racial discrimination in the labor market, the sports industry offers a plethora of data and imposes specific hiring practices which mitigate this difficulty.⁶ Much of the 58-page lawsuit focuses not on Brian Flores specifically but on the racial makeup of NFL coaches and team management and recent racial controversies around the league. They are sentiments shared by other Black coaches, former players, executives, and sports personalities. Roger Goodell, commissioner of the NFL, touched upon issues in regards to diversity and inclusion allegations, and said that the NFL "believes in diversity...[but] we're not doing a good enough job here."⁷

Since 2013, the NFL has conducted an annual study, led by Dr. C. Keith Harrison from the University of Central Florida. The study examines whether ethnic minorities face occupational access barriers after one or more stints as head coaches in the NFL.⁸ They also examine these same mobility patterns of NFL general managers, offensive coordinators, defensive coordinators, and other primary NFL team position coaches. This report shows

⁵ In this thesis Black will always be capitalized when referring to groups in racial, ethnic or cultural forms. Black reflects a shared sense of identity and community.

⁶ Sherwin Rosen and Allen Sanderson, "Labour Markets in Professional Sports," *The Economic Journal* 111, no. 469 (2001): F47–68, 48.

⁷ T. J. Legacy-Cole, "Commissioner Roger Goodell: 'NFL Fell Short By A Longshot,'" *ESPN 98.1 FM - 850 AM WRUF* (blog), February 10, 2022, <https://www.wruf.com/headlines/2022/02/10/commissioner-roger-goodell-nfl-fell-short-by-a-longshot/>.

⁸ "NFL Releases 2022 Diversity and Inclusion Report | NFL Football Operations," accessed December 15, 2022, <https://operations.nfl.com/updates/football-ops/nfl-releases-2022-diversity-and-inclusion-report/>.

evidence of improvement but equal opportunity is an ongoing effort. Professors Leslie Houts Picca and Joe R. Feagin spoke at this year's diversity and inclusion reports and shared an excerpt from their book *Two-faced Racism: Whites in the Backstage and Frontstage*:

The problem of 'race' in the contemporary world is substantially a problem of the white mind. In the United States case, at least two major interpretive frames have long contended in the white mind in regard to racial matters. A centuries-old equality-and-justice frame envisages a society in which equality and justice prevail. Yet, a dominant white racial frame has long motivated, sustained, and rationalized large-scale racial inequality and injustice.⁹

The pursuit of equality in the structure of NFL hiring is halted by racial inequality. As an organization, the NFL falls short of addressing solutions to structural racism because they often times reinforce these inequalities. As a result, the hiring practices of NFL teams lead minorities, specifically African American males, to be continually passed over for head coaching and other team leadership positions. The same positions that they should have the opportunity to succeed or fail at, as their white counterparts. This thesis addresses the following questions: have diversity hiring practices been effective in the NFL? Is there structural racism in the hiring process for leadership positions in the NFL? If so, how can this be resolved?

Like many other institutions in the United States, the NFL has a history of structural racism. In today's league, 70% of players identify as non-white or members of the BIPOC community.¹⁰ There is a belief that professional sports are an escape from the political ideologies

⁹ Christopher Ball "'Two-Faced Racism: Whites in the Backstage and Frontstage,' by Leslie Houts Picca and Joe R. Feagin." *Ethnic and Racial Studies* 31, no. 6 (2008): 1178–1178, VII.

¹⁰ *Brian Flores v. The National Football League; New York Football Giants, Inc.; Miami Dolphins, Ltd.; Denver Broncos; And John Doe Teams 1 through 29*, 1:22-cv-00871 Document 1 pg 1 of 58 US DC. NY(2022), <https://www.wigdorlaw.com/wp-content/uploads/2022/02/Complaint-against-National-Football-League-et-al-Filed.pdf>, 2.

that consume many other parts of everyday life.¹¹ However, in August of 2016, NFL players began kneeling during the national anthem in protest against police brutality. This became a very polarizing time for the NFL because, on one side, people praised the players for using their platform to bring awareness to the social injustice occurring within the country. On the other hand, people felt that kneeling during the anthem was unpatriotic and stadiums filled with largely white audiences began to boo predominately Black players.¹² There was also a third group who did not want politics mixed in with their sports. These polarizing times were emphasized during Donald Trump's presidency, specifically during his speech in Alabama when he commented: "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.'"¹³ This was part of a pattern of the former president's attack on Black athletes in the form of using racism for strategic purposes, similar to white supremacists implying the ingratitude of Black people. It wasn't until the murder of George Floyd at the hands of Minneapolis police on May 25, 2020, that people understood what the protest was about.

NFL officials' rhetoric made a sharp change on June 5, 2020, when they released an official statement on the NFL's Twitter page: "We, the NFL, condemn racism and the systematic oppression of Black People. We, the NFL, admit we were wrong for not listening to NFL players earlier and encourage all to speak out and peacefully protest. We, the NFL, believe Black Lives

¹¹ Hua Hsu, "Should We Keep Politics Out of Sports?," *The New Yorker*, September 17, 2018, <https://www.newyorker.com/magazine/2018/09/24/should-we-keep-politics-out-of-sports>.

¹² John Fienstein, *Raise a Fist, Take a Knee: Race and the Illusion of Progress in Modern Sports*, Kindle Edition 2021 (New York, N.Y., United States: Little, Brown and Company, 2021), 83.

¹³ Bryan Armen Graham, "Donald Trump Blasts NFL Anthem Protesters: 'Get That Son of a Bitch off the Field,'" *The Guardian*, September 23, 2017, sec. Sport, <https://www.theguardian.com/sport/2017/sep/22/donald-trump-nfl-national-anthem-protests>.

Matter. #InspireChange.”¹⁴ Officials thus directly acknowledged the “racism and systematic oppression of Black people” which was a bold statement given the intolerable stance the NFL previously took against protests in 2016.¹⁵ But given the language of “We, the NFL,” the collective owners of the league declare they control and determine the structural work of the league; the owners are reacting to the players or labor in order to quell tensions and protect their earnings.¹⁶ No mention of Kaepernick was included in the statement, this exclusion is in line with his banishment from the league since the 2016 season.

The first chapter focuses on racial formation theories such as the “persistence of whiteness” to explore the racial makeup of the NFL and how the league got to the findings of the 2022 Diversity and Inclusion report. Moreover, this chapter argues that given the fact that the creation of the United States was predicated upon oppression and racial discrimination, it was inevitable that these racial disparities made their way into the systematic makeup of the NFL. Therefore, the Rooney Rule was destined to fail since its inception.

The second chapter examines the Rooney Rule, how it came to be, and its expansions and shortcomings. The chapter also goes into the specifics of the NFL hiring process and sheds light on how the informal structure of interviews and how candidate/owner relations led to the despairingly low number of Black coaches in the NFL.

The last chapter of this thesis focuses on the Brian Flores lawsuit. Brian Flores and other Black coaching candidates believe that there is a “double standard” for Black coaches. There

¹⁴ NFL [@NFL], “We, the NFL, Condemn Racism and the Systematic Oppression of Black People. We, the NFL, Admit We Were Wrong for Not Listening to NFL Players Earlier and Encourage All to Speak out and Peacefully Protest. We, the NFL, Believe Black Lives Matter. #InspireChange <https://t.co/ENWQP8A0sv>,” Tweet, *Twitter*, June 5, 2020, <https://twitter.com/NFL/status/1269034074552721408>.

¹⁵ Steve Marston, “The Episodic Kneel: Racial Neoliberalism, Civility, and the Media Circulation of Colin Kaepernick, 2017–2020,” *Springer Science+Business Media, LLC*, June 3, 2021, 205–14, 211.

¹⁶ *Ibid.*, 211.

have only ever been 17 Black Head Coaches who have coached a full season, and four of them (23.5%) were fired after a winning season.¹⁷ They have to be twice as good to even get a chance, and if they are fired they are less likely to get a job than their white counterparts.¹⁸ Brian Flores's court case sparked a conversation around DEI and the NFL. Several Black coaches, ex-players, NFL management officials, and media figures conducted interviews and shared experiences of what it means to be an aspiring black coach in the NFL. The larger conversation that this chapter seeks to map out is about the effects of whiteness as it relates to the Black experience. There are many plights against the NFL and as mentioned by Dr. C. Keith Harrison, "While improvement is evident, there must be an ongoing effort to break mobility barriers and establish a cultural norm of opportunity for all. The NFL recognizes these challenges and is committed to taking practical steps to ensure concrete results."¹⁹ This chapter concludes by addressing these improvements and analyzing the results.

While it is seemingly impossible to overlook the struggles of minorities throughout American history, the concurrent history of white supremacy has gone largely ignored within the NFL until 2003, when the Rooney Rule was first adopted. This was in response to two Black NFL head coaches being fired in consecutive years after having relative success. But as stated by NFL Commissioner, Roger Goodell, time in time again the "NFL has fallen short."²⁰ While the Rooney Rule attempted to increase the number of minorities hired in head coach, general manager, and executive positions, Brian Flores' demonstrated that this law was fundamentally not very effective. Moreover, data from the diversity and inclusion report and testimonies from

¹⁷ *Flores v. The National Football League, Case 1:22-cv-00871*, 26.

¹⁸ Gillian B. White, "Black Workers Really Do Need to Be Twice as Good," *The Atlantic*, October 7, 2015, <https://www.theatlantic.com/business/archive/2015/10/why-black-workers-really-do-need-to-be-twice-as-good/409276/>.

¹⁹ "NFL Releases 2022 Diversity and Inclusion Report."

²⁰ T. J. Legacy-Cole, "Commissioner Roger Goodell: 'NFL Fell Short By A Longshot.'"

other Black coaches in the NFL say that this has not been the case. Racial formation theory will help to conceptualize the socially constructed identities playing out within the NFL's upper management. Ultimately, this thesis works to call attention to an issue that is not talked about in the glorified world of American football.

Chapter 1

Racial Formation Theory and the NFL

The value placed on the color of the skin is always and everywhere and forever a delusion.¹

-James Baldwin, *The Fire Next Time*, 1963



Figure 1²

¹ Sahil Handa, "What James Baldwin Can Teach Us About Race and Identity in America Today," *Discourse*, August 2, 2021, <https://www.discoursemagazine.com/culture-and-society/2021/08/02/what-james-baldwin-can-teach-us-about-the-problem-of-race-in-america-today/>.

² Scott Gordon, "'A Curious Kid:' Jerry Jones Addresses 1957 Photo Outside Segregated N. Little Rock High School," *NBC 5 Dallas-Fort Worth* (blog), November 25, 2022, <https://www.nbcdfw.com/news/sports/blue-star/a-curious-kid-jerry-jones-addresses-1957-photo-outside-segregated-arkansas-high-school/3133871/>.

Dallas Cowboys owner Jerry Jones said he was a "curious kid" as he discussed this photo with the Washington Post. Taken in 1957, the then 14-year Jones is highlighted standing in a crowd of white boys blocking the path of Black students seeking to desegregate an Arkansas high school. When the photo resurfaced in November 2022 Jones told the media:

I didn't know at the time the monumental event that was going on, and I'm sure glad that we're a long way from that... We didn't have all of the last 70 years of reference and all the things that were going on, so you didn't have a reference point there. Still, I've got a habit of sticking this nose in the right place at the wrong time.³

In his 34 years as owner of the Dallas Cowboys, Jerry Jones has never hired a Black head coach. Todd Boyd, a professor of race and popular culture at the University of Southern California (USC), highlights a key comment that Jones made in a Washington Post article. Jerry Jones admitted that, in his experience, the actual job interview for head coaches means little. He hires people he knows, like former Cowboys coaches Jimmy Johnson, a former roommate with whom he played on an all-white championship team at the University of Arkansas, and Barry Switzer, another friend from Arkansas.⁴ Jones came close to hiring a Black head coach, Dennis Green, in the early 2000s. But that was only after he worked with Green on the NFL's competition committee, where he got to know him.⁵ Jones ultimately passed on Green to hire Bill Parcells, who had coached the Giants to two Super Bowl victories. In his words, Jones said, "I didn't hire

A Sept. 9, 1957, AP Photo shows Dallas Cowboys owner Jerry Jones in the background of a group of defiant white students at Arkansas' North Little Rock High School blocking the doors of the school, denying access to six African-American students enrolled in the school.

³ Mike Brehm, "Cowboys Owner Jerry Jones Discusses Photo Showing Him at 1957 Arkansas Desegregation Protest," *USA Today*, November 25, 2022, <https://www.usatoday.com/story/sports/nfl/cowboys/2022/11/25/jerry-jones-cowboys-photo-desegregation-protest-arkansas/10772586002/>.

⁴ Sean Gregory, "The NFL Continues to Pass Over Black Coaches for White Ones," *Time*, February 15, 2023, <https://time.com/6255798/eric-bieniemy-nfl-black-coaches/>.

⁵ Ibid.

Jimmy through an interview. Did I? I didn't hire Barry Switzer through an interview, okay? And I didn't want Denny through an interview at the time. But I knew 'em."⁶

Racial progress needs to consider the political reality of skin color as well as the delusions behind progressively advancing racial disparities.⁷ Delusion in this case is the performative effort that structural systems of power make to reform the racial inequities within them. There is a "possessive investment in whiteness" that always affects individual and group life chances and opportunities.⁸ Historian George Lipsitz observes:

Even in cases where minority groups secure political and economic power through collective mobilization, the terms and conditions of their collectivity and the logic of group solidarity are always influenced and intensified by the absolute value of whiteness in American politics, economics, and culture.⁹

Specifically, this chapter critiques the NFL policy attempts to broaden the diversity of coaching positions and the shortcomings of established protocols like the Rooney Rule. Despite this NFL policy designed to put in place diversity requirements while hiring, there have been mixed results and ultimately no transformative change toward hiring more minority coaches. Part of the reason for this rule's shortcomings is the difficulty in identifying discrimination. For the Rooney Rule to be effective, it must simultaneously recognize the historical and social developments that formed this disparity of minority coaches within the NFL—something it fails to do. The rule also falls short due to the nature of racism and how it remains prevalent not just in the NFL but throughout society. This chapter focuses on one NFL team owner in particular and analyzes his opinions on the interview process. It also demonstrates that media coverage of Black quarterbacks

⁶ Gregory, "The NFL Continues.," "The NFL Continues."

⁷ Handa, "What James Baldwin Can Teach Us About Race and Identity in America Today."

⁸ George Lipsitz, "The Possessive Investment in Whiteness: Racialized Social Democracy and the 'White' Problem in American Studies," *American Quarterly* 47, no. 3 (September 1995): 369, <https://doi.org/10.2307/2713291>, 383.

⁹ *Ibid.*, 383.

historically unveiled the same barriers faced by Black and minority head coaches—revealing the very issues Brian Flores is suing the NFL for.

Racial Formation Theory

Racial formation observes the ways that “race” is socially constructed. That is, how do processes connected to social, economic, and political forces shape how racial categories and hierarchies are formed? This question accounts for both the historical context of race categorization, as well as where current social contexts are positioned. Being in charge of an NFL team can be a complex task. The person running the show has to hire coaches, write and negotiate player contracts, scout and draft college players, and acquire stadium advertisers among other tasks.¹⁰ When it comes to building an NFL roster, hierarchies vary from team to team. Some organizations are driven by general managers, others by owners, a few by head coaches, and many franchises divvy up responsibilities.¹¹ It is important to define structural racism in the NFL in order to illuminate how it takes place within its ecosystem. A good place to start is with the enhancement and defense of the possessive investment in whiteness. As Lipsitz argues:

White power secures its dominance by seeming not to be anything in particular. As the unmarked category against which difference is constructed, whiteness never has to speak its name and never has to acknowledge its role as an organizing principle in social and cultural relations.¹²

Owners are not being held accountable for adhering to the diversity and inclusion policies that

¹⁰ Paul Thelen, “What Exactly Does Each Member of an NFL Team’s Front Office Do?,” Bleacher Report, accessed March 16, 2023, <https://bleacherreport.com/articles/1666258-what-exactly-does-each-member-of-a-teams-front-office-do>.

¹¹ Ibid.

¹² George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia, United States: Temple University Press, 2018), 1.

they put in place. White power is embedded into American society. The Rooney Rule in some ways acknowledges whiteness as an organizing principle. But the Rooney Rule is insufficient because it does acknowledge a disparity in the diversity of hiring of head coaches; however, it fails to demonstrate why this occurs in the first place. What the initial rule lacks is what philosopher Walter Benjamin defines as the “Presence of mind”: “a way of thinking about and being in time that is at once, historical, prophetic, and actively engaged in the fullness of the moment.”¹³ In other words, Benjamin’s concept of a presence of mind demonstrates that in order to progressively reform a society’s embedded structural inequalities, one must astutely understand the foundational developments that caused said disparities. The creation of the Rooney Rule demonstrates the importance of Benjamin’s presence of mind and fails to acknowledge America’s historical racism while it attempts to fix the *present* issue at hand: a lack of diversity among NFL leadership positions, specifically among head coaching positions. The problem is that the NFL needs to break the mobility barrier that immobilizes minority coaches in assistant roles and merely checks the box of satisfying the diversity and inclusion protocols during the overall interview process for these leadership roles. Owners need to consider why the diversity of coaches is limited to assistant positions not only when conducting interviews but in all facets of life. The U.S. economy was built on the exploitation and occupational segregation of people of color.¹⁴ Eliminating racial disparities requires long-term, targeted interventions to expand access to opportunities for people of color.¹⁵ Perhaps if the NFL developed a policy that sought to confront whiteness it could be more effective than the Rooney Rule.

¹³ Quoted in Johnson, “What Do We Mean When We Say, ‘Structural Racism’?”, 37.

¹⁴ Danyelle Solomon, Connor Maxwell, and Abril Castro, “Systematic Inequality and Economic Opportunity,” *Center for American Progress* (blog), August 7, 2019, <https://www.americanprogress.org/article/systematic-inequality-economic-opportunity/>.

¹⁵ Ibid.

Historian David R. Roediger uses different contemporary works to explain the specific ways in which the belief in racial superiority formed the consciousness of working people. In his work, he does not focus on the material benefits of “white skin” privilege but rather explores the agency of workers themselves in constructing the meaning of whiteness.¹⁶ This is significant because, in the introduction of his book, *The Wages of Whiteness*, Roediger expresses how he came to the same conclusion W.E.B. Du Bois reached concerning white supremacy he writes that:

It was bad enough to have the consequences of [racist] thought fall upon colored people the world over; but in the end, it was even worse when one considers what this attitude did to the [white] worker. His aim and ideal was distorted. ... He began to want, not comfort for all men but power over other men.¹⁷

Whiteness is the beneficial social status of not being black. This is not to say that all NFL teams who hire a non-white Coach, Coordinator, or General Manager are racists. In order to bring about change those making the final decision need to have the resolve to trust what it is to be perceived as different from them. In America where people are judged on the basis of race, which includes basic rights such as citizenship, the perks to gain by embracing whiteness combined with the concrete penalties that come with being associated with people of color, are too enticing to be ignored. There is value in being white, to ownership white candidates are seen as more capable and thus more frequently hired and rehired in the NFL. Power is a major component of racism in the NFL. It is maintained and consolidated through the preservation of whiteness. But this whiteness has a history whose meaning has changed.

America has expanded the definition of whiteness throughout history “Whiteness

¹⁶ David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (Verso, 2007), <https://hdl.handle.net/2027/heb00570.0001.001>, XIX.

¹⁷ Ibid., XX.

describes, from Little Big Horn to Simi Valley, not a culture but precisely the absence of culture.”¹⁸ An identity built off of, “what one isn’t and on whom one can hold back,” can lead to both hollow and damaging results like the emergence of workarounds to satisfy the Rooney Rule.¹⁹ If it does not involve a critique of whiteness, the questioning of racism often proves shallow and limited.²⁰ Whites cannot fully renounce whiteness as it is more than just the absence of pigmentation.²¹ It is difficult for many white Americans to see race in relation to themselves, and they are therefore convinced that racism only poses problems for others.²² This notion led author Toni Morrison, to note how distressing it is that scholarly concentration on the targets of racism manages to avoid any study of the impact racism has on its perpetrators.²³ This blindness that is rarely noticed is a failure that includes all of society to acknowledge how whiteness conveys internal meanings and at the same time fulfills anti-black functions.²⁴ Many social programs intended to minimize racism's malicious legacy have been stifled by this phenomenon.²⁵ The Rooney Rule is no exception. As Brian Flores says Black folks need a “seat at the table” in order for the policy to have any effectiveness in breaking down barriers.²⁶ In other words, let African Americans be involved as they have been some of “the keenest students about white consciousness and white behavior.”²⁷

A significant part of racial discrimination is to facilitate the exploitation of Black labor,

¹⁸ David Roediger, *Towards the Abolition of Whiteness; Essays on Race, Politics, and Working Class History* (New York: Verso, 1994), 13.

¹⁹ Ibid., 13.

²⁰ Ibid., 13.

²¹ Roediger, *Towards the Abolition of Whiteness*, *The Wages of Whiteness*, 182.

²² Ibid., 1.

²³ Ibid., 1.

²⁴ Ibid., 1.

²⁵ Ibid., XIX.

²⁶ Brian Flores’ Full Interview on Suing the NFL, Dolphins, Giants & Broncos | *Get Up*, 2022, https://www.youtube.com/watch?v=zS5f_YH3Y2A.

²⁷ David Roediger, ed., *Black on White: Black Writers on What It Means to Be White* (New York: Schocken Books Inc., 1998), 4.

to deny Black folks access to benefits and opportunities that would otherwise be available, as well as blame all the instances of exclusion-bred despair on the asserted inferiority of the victims.²⁸ There is an unspoken “right in whiteness,” pushing Blacks to continue to serve the role of buffers to those most privileged in society.²⁹ Endlessly being defined by those who do not dare define or even confront themselves, is the key to the crisis in white leadership.³⁰ The Rooney Rule defines what it means to be a minority leaving out the notion of what it means to be an NFL owner. A member of the dominant group is trying to apply meaning to a group they know nothing about. There is a preconceived notion of others and meeting the Rooney rule requirement becomes increasingly difficult because of the denial of Black presence in order to identify with the lie of the white community. Anti-slavery activist Frederick Douglass insisted the talk of a “Negro problem” missed the point of what structured misery in the U.S. and that the “white problem” instead deserves emphasis.³¹ Instead of expanding the definition of the Rooney rule to be a more inclusive definition of minority, it would be more advantageous to define whiteness and the role of ownership in reinforcing the barriers of entry to Black and minority candidates. There is a silencing of Black voices about inequalities that exist and the court case brought what was hidden to center stage.

NFL’s Navigation of Race

The pre–Rooney Rule NFL hiring process remained relatively static because decision-makers unknowingly held (and often still hold) archaic biases regarding the intellectual ability of

²⁸ Roediger, *Black on White*, 139.

²⁹ Ibid., 144-147.

³⁰ Ibid., 180.

³¹ David R. Roediger, “Critical Studies of Whiteness, USA: Origins and Arguments,” *Theoria: A Journal of Social and Political Theory*, no. 98 (2001): 72–98, 75.

minority candidates to handle the high degree of organizational complexity in football.³² To say that the Rooney Rule is not working in some regards presumes that it ever did. It never truly did, at least not in the way it was intended. To have an inclusive search, one that does not have the end result selected before the journey begins, is not how it worked in the decades leading up to the rule or the two decades afterward.³³ The Rooney Rule was never about forcing an owner to hire a minority candidate. It was about requiring owners to consider a diverse set of qualified candidates before picking the next coach. But even though the league can mandate interviews of minority candidates, the league can never force owners to not make decisions about the coaches they want to hire.³⁴ As a result, the practical value of the rule comes only from the fact that requiring interviews of at least two minority candidates per vacancy places into the media pipeline names that otherwise wouldn't be mentioned, and gives minority candidates opportunities to get experience with the interview process.³⁵ There is value in that to a certain degree, but it becomes less valuable when the Dallas Cowboys interview not a new promising assistant but Marvin Lewis, a well-established coach who needs no boost in name recognition or job interview experience.³⁶ Regardless of its intended purpose, the Rooney Rule has become an exercise in checking a box. If that's what it's going to be, the requirement should be that the candidate interviewed will truly benefit from the box-checking: No NFL head-coaching experience, for example, or possibly putting a limit on years of experience. But if the NFL will

³² Brian W Collins, "Tackling Unconscious Bias In Hiring Practices: The Plight Of The Rooney Rule," *New York University Law Review* 82 (n.d.).

³³ Mike Florio, "The Rooney Rule (Still) Isn't Working," *ProFootballTalk* (blog), January 7, 2020, <https://profootballtalk.nbcsports.com/2020/01/07/the-rooney-rule-still-isnt-working/>.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Florio, "The Rooney Rule (Still) Isn't Working."

claim to be “leading the industry in hiring a diverse and inclusive workforce” why not ensure that the results reflect this?³⁷

Jim Trotter of NFL Media shared this observation, via an unnamed black assistant coach: “NFL has finally shown it’s not the place for Black men to advance. It’s ridiculous, it’s disgusting. We can sell tickets and make plays, but we can’t lead.”³⁸ Trotter calls the problem not a league issue but an ownership issue. But there’s no difference; the owners are the league. And the league adopted the Rooney Rule via a vote of the owners. Instead of using the threat of litigation to squeeze the league into adopting the Rooney Rule, a lawsuit alleging discrimination on the basis of race can serve as a better method to alter behavior and attitudes. There is a lot of ground that needs to be covered in regard to race.

The NFL has had many incidents involving Race. Former NFL quarterback Colin Kaepernick led a protest movement against racial injustice back in 2016 and has been forced out of the league since then. Former Las Vegas Raiders Head Coach, Jon Gruden, was fired after racist, sexist, and homophobic emails he sent were made public.³⁹ The NFL used “race-norming” in determining payouts for retired players under the league’s \$1 billion concussion settlement.⁴⁰ The testing method assumed Black players start with lower cognitive function, making it harder for them to show they suffer from a mental deficit linked to their playing days.⁴¹ After a lawsuit

³⁷ “NFL Releases 2022 Diversity and Inclusion Report | NFL Football Operations.”

³⁸ Florio, “The Rooney Rule (Still) Isn’t Working.”

³⁹ Gregory, “The NFL Continues.”

⁴⁰ Ibid

⁴¹ Ibid

and an uproar, the NFL agreed to end race-based testing in 2021.⁴² The photo of Jones at a school segregation rally just adds to the long list of the NFL's incidents involving race.⁴³

Jones claims he was an onlooker not a participant in the photo capturing him in an Arkansas integrating schools protest. He once again finds himself a bystander to racism not once hiring a black head coach over his tenure as Dallas Cowboys owner. The question from Jerry Jones' perspective is how to escort Black coaches into the "circle of cronyism" so they do not have to be interviewed.⁴⁴ Jones insists the most avid candidates will find a way in. Historian Todd Boyd feels that this is the key, "It is an old boys' club. These old boys are going to hire whomever they want."⁴⁵ Boyd believes there is a refusal to hire Black Head Coaches, although, this is not explicitly said that is the result. There have been plenty of reasons teams have used as to why they did not hire a particular coach all of which have nothing overtly to do with race. But when you focus on who are the coaches in the NFL, "it speaks for itself."⁴⁶ Proof of discrimination can be very difficult but even with substantial evidence, it may not always change attitudes.

Defendants of discriminatory acts will rarely admit nor leave a paper trail demonstrating discrimination; and because most employment decisions involve an element of discretion, alternative hypotheses, including that of a simple mistake, will always be possible and often plausible.⁴⁷ The argument then becomes judging the NFL as a very result-based organization where success can oftentimes be measured. There are some anomalies or unforeseen

⁴² Gregory, "The NFL Continues."

⁴³ See Figure 1, 12.

⁴⁴ Gregory, "The NFL Continues."

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Janice Fanning Madden and Matthew Ruther, "Has the NFL's Rooney Rule Efforts "Leveled the Field" for African American Head Coach Candidates?," *Journal of Sports Economics* 12, no. 2 (April 1, 2011): 127-42.

circumstances such as a season filled with injuries. But from the very early start of the season, organizations know whether or not their roster has a chance of being successful. Albeit wins are not the only measure they are still significant. A conclusion can be drawn that NFL teams with the highest winning percentage would be most valuable.⁴⁸ Winning games increase ticket sales, which drives team revenue.⁴⁹ Although, generating revenue falls more on the business management side for organizations, wins and losses still play a significant part. The head coach is considered the leader and one of the faces of a franchise. There are media websites every year that rank NFL coaches across the league on a set number of criteria. From communication to talent acquisition to schematics the NFL coaches that can balance all the requirements are seen as the most successful.⁵⁰ The players execute the plays but sometimes the difference between a playoff bid or a championship run is the coach on the sidelines.⁵¹ More teams are active on an annual basis at the start of the offseason, with oftentimes an impatient desire to land the “next great innovator.”⁵² And part of that involves being the de-facto voice in the organization. If all prerequisites are met there should be little to prevent termination except for the loss of locker room or lack of team success. The NFL candidate pool is one that is heavily studied but oftentimes hard to pinpoint.

⁴⁸ Andrés Pazos, “Does Winning Games In The NFL Equate To A Higher Franchise Value?,” Medium, September 13, 2018, <https://medium.datadriveninvestor.com/does-winning-games-in-the-nfl-equate-to-a-higher-franchise-value-946604e957b>.

⁴⁹ Ibid.

⁵⁰ Cody Benjamin, “2022 NFL Head Coach Rankings: Andy Reid Reigns Supreme, Sean McVay Overtakes Bill Belichick,” CBSSports.com, June 30, 2022, <https://www.cbssports.com/nfl/news/2022-nfl-head-coach-rankings-andy-reid-reigns-supreme-sean-mcvay-overtakes-bill-belichick/>.

⁵¹ Ibid.

⁵² Ibid.

NFL's Head Coach Candidate Pool

About 70% of NFL players were Black at the beginning of the 2020 NFL season.⁵³ During the 2019, 2020, and 2021 seasons fewer than 10% of head coaches were Black. At the start of the 2022 season out of 32 teams, there are only 4 Black head coaches. There would need to be approximately 22 Black head coaches instead of four in order to be reflective of the NFL's player population.⁵⁴ According to census data, about 13.4% of Americans were Black in 2020.⁵⁵ About five head coaches would need to be Black for Black persons' share of NFL head coaches to reflect that of the U.S. population. How one interprets which standard is appropriate and ignores issues of misclassification with census data, Black head coaches have been either slightly or highly underrepresented in recent NFL seasons. This is not to offer an estimation of how many Black head coaches there should be or the number expected in the absence of structural racism. But it is significant when looking at some Black head coaching candidates who have not been hired as head coaches. Researchers have argued offensive coordinator Eric Bieniemy is not a head coach because he does not call plays. Bieniemy was an offensive coordinator with a head coach that also specialized in offense. However, this was also true for coaches; Doug Pederson in 2015, Matt Nagy in 2017, and Nick Sirianni in 2020. However, Eric Bieniemy did not possess any of the following characteristics found to be correlated with a coordinator becoming a head coach: played quarterback in college, played tight-end in college, coached tight-ends in the NFL, coached wide-receivers in the NFL.⁵⁶ Coordinators turned Head coaches; Doug Pederson, Matt

⁵³ Joshua D. Pitts, Brent Evans, and John D. Johnson, "Race and the Probability of Becoming a Head Coach for NFL Coordinators Since the Introduction of the Rooney Rule: Why Isn't Eric Bieniemy a Head Coach Yet?," *The Review of Black Political Economy*, February 1, 2022, 00346446221076866, <https://doi.org/10.1177/00346446221076866>.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid. See for more studies done on Race a probability of becoming a head coach as well as other studies to do with race and coaching in the NFL.

Nagy, Freddie Kitchens, Matt LaFleur, Brandon Staley, Robert Saleh, Kevin Stefanski, Arthur Smith, and Nick Sirianni all satisfied one of these conditions.⁵⁷ Other than Bieniemy, the only other coordinator that did not possess any of those four characteristics was Vic Fangio. Fangio did not become a head coach until he had completed 19 seasons as a defensive coordinator, and 2022 was Bieniemy's fifth season as an offensive coordinator.⁵⁸ These are all fair examples but not in line with the language used with the qualifications of being a head coaching candidate there is no mention of leadership or the ability to be the “Face of a Franchise.”⁵⁹ There have been ample coaches who have never played in the NFL. There is even Colts interim head coach Jeff Saturday who has never coached.⁶⁰ These four conditions also do not consider the words of owners like Jerry Jones who hired his old college roommate and it had nothing to do with the interview process. The statistics and characteristics lead to some general conclusions and partial explanations but exclude some of the difficulties in revealing or proving racial discrimination in hiring practices.

Historically, the path to leadership positions for marginalized individuals has been characterized as different from that of empowered and privileged group members. As it is often met with aversive racism, particularistic mobility practices, and difficulties acquiring social capital.⁶¹ Between February 3, 2020 (day following Super Bowl LIV) and February 7, 2021 (day of Super Bowl LV), NFL teams hired a total of 41 Head Coaches, Offensive Coordinators (OC),

⁵⁷ Pitts, Evans, and Johnson, “Race and the Probability of Becoming a Head Coach.”

⁵⁸ Ibid.

⁵⁹ “Face of the Franchise” is often used by media pundits to describe a head coaches’ role as the leader of the organization. More specifics about the qualification about being a head coaching candidate discussed in chapter two.

⁶⁰ See more on Jeff Saturday in Chapter 2.

⁶¹ Carlton Keith Harrison et al, “Race and Occupational Mobility in the National Football League,” *Journal of Sport and Social Issues*, December 15, 2022, 01937235221144430, <https://doi.org/10.1177/01937235221144430>.

Defensive Coordinators (DC), and General Managers (GM) for open positions.⁶² White individuals were hired for 27 of these positions or 65.9%.⁶³ Minorities were hired for 14 or 34% of the recently filled positions. An increase from the 2019-2020 hiring cycle during which men of color were only hired for 23% of the openings (7 out of 31 positions).⁶⁴ The particularistic mobility thesis can be defined as the notion that people of color, unlike whites in similar situations, are excluded from managerial positions at the outset of work careers by a range of informal characteristics that are vaguely defined and difficult to directly measure.⁶⁵ These vaguely defined characteristics make it hard for people of color to rise to managerial positions as they are unable to facilitate “opportunities to demonstrate job-relevant criteria.”⁶⁶ An example of this phenomenon is the sorting of leaders of color into positions that do not allow them to demonstrate the job-relevant criteria, such as running back coaches, wide receiver coaches, and defensive line coaches.⁶⁷ Minority athletes at both the intercollegiate and professional levels are generally overrepresented in noncentral positions and underrepresented in central positions.⁶⁸ A central position can be considered those more associated with decision-making roles similar to that of a head coach. There is higher cognitive thought assumed with these positions. Because almost all coaches begin their full-time careers as position coaches, the opportunity for segregation is built into the labor market structure, as coaches generally start out in either a

⁶² Harrison Kieth and Scott Buckstien, “Occupation Mobility Patterns: An Examination of Leadership, Access, Opportunity, Social Capital and the Reshuffling Effect within the NFL” (NFL Diversity and Inclusion, February 2021), <https://operations.nfl.com/media/4989/nfl-occupational-mobility-report-volume-x-february-2021.pdf>. 10.

⁶³ Ibid., 10.

⁶⁴ Ibid., 10.

⁶⁵ Harrison et al, “Race and Occupational Mobility in the National Football League.”

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Jacob C. Day, “Transitions to the Top: Race, Segregation, and Promotions to Executive Positions in the College Football Coaching Profession,” *Work and Occupations* 42, no. 4 (November 1, 2015): 408–46, <https://doi.org/10.1177/0730888415580651>, 416.

central or noncentral coaching position.⁶⁹ Research on the college football coaching profession has documented that stacking among players is subsequently reproduced among coaches and that minorities' overrepresentation in noncentral coaching positions explains some of the documented racial disparity in college football coaches' careers.⁷⁰ With the lack of centrality, the running back, wide receiver, and defensive line positions have a minimal likelihood of ever earning an opportunity to work as an OC or DC, which is essential with respect to NFL head coach prospects.⁷¹ On the other hand, the defensive back coach position presently functions as one of the more viable occupational mobility paths for coaches of color in the NFL.⁷² White coaches are more likely to be described in terms of their technical abilities and experience, whereas Black coaches are more likely to be described in terms of their ability to recruit and relate to players.⁷³ Like many others, owners fall into the same stigma trappings of judging Black coaching candidates; this is evidenced by the difficulties they have in identifying leadership qualities in Black coaches. Similar to the underrepresentation of Black players at central positions in relation to coaches, the history of quarterbacks, in relation to race, highlights owners' inability to recognize the place-making of Black people including Black head coaches.

Obstacles of Black Quarterbacks

Does race still remain a factor in the evaluation of quarterbacks? Three of the last six league MVPs were Black quarterbacks, the passing yards leader in each of the last two seasons was Black; and five of the last 15 quarterbacks drafted No. 1 overall were people of color.⁷⁴ But

⁶⁹ Day, "Transitions to the Top," 416.

⁷⁰ Ibid., 416.

⁷¹ Harrison et al, "Race and Occupational Mobility in the National Football League."

⁷² Ibid.

⁷³ Day, "Transitions to the Top," 416.

⁷⁴ Jim Trotter, "Does Race Remain a Factor in the Evaluation of NFL Quarterbacks?," NFL.com, February 24, 2021, <https://www.nfl.com/news/sidelines/does-race-remain-a-factor-in-the-evaluation-of-nfl-quarterbacks>.

it was only three years ago that Bill Polian, a personnel executive and member of the Pro Football Hall of Fame, publicly suggested that Lamar Jackson, Quarterback for the Baltimore Ravens, switch positions coming out of college. Many teams have commonly made similar comments over the decades about Black quarterbacks.⁷⁵ When considering sports to be a microcosm of society, discrimination in football is as evident as in everyday life. Many decision-makers believed Blacks lacked the intelligence and leadership skills to run an offense, and in some cases, owners simply did not want someone of color as the face of their franchise such as when Bears management drafted Mitch Trubitsky over Patrick Mahomes and Deshaun Watson.⁷⁶ The league even had an informal ban on Black players from 1934 to 1946, and it wasn't until 2001 that an African American was drafted No. 1 overall at quarterback, with Michael Vick going to the Atlanta Falcons.⁷⁷ That history makes the conversation more complicated when you peel back the layers.

The numbers do show that progress has been made. In the ten drafts from 2001 to 2010, six of the 27 quarterbacks selected in the first round (22.2 percent) were Black.⁷⁸ Over the last ten drafts, eleven of the 32 quarterbacks taken in the first round were Black (34.4 percent).⁷⁹ There is a debate on whether race is still a prevalent part of the narrative. Former head coach and NFL analysts Tony Dungy feels that people have gotten past the point saying, "As I'm sitting there broadcasting and we're talking about Patrick Mahomes, Russell Wilson and Lamar Jackson, it's not even, Oh, my God. Look at what these guys are doing. It's, this is the new

⁷⁵ Trotter. Donovan McNabb, Tyrod Taylor, Deshaun Watson and James Harris all have similar stories to Lamar Jackson and being pressured to change positions due to athletic gifts and preconceived notion that they lack the intelligence to be a starting QB. See: "The Big Book Of Black Quarterbacks (Part 2)," Deadspin, February 6, 2014, <https://deadspin.com/the-big-book-of-black-quarterbacks-part-2-1588681846>.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

quarterback position. So, I think we have gotten beyond that."⁸⁰ Admittedly Dungy was not always sure the league would reach this point. In 1976, he was the starting quarterback when the University of Minnesota traveled to Seattle to face a Washington team quarterbacked by another Black Quarterback Warren Moon.⁸¹ The game included signal-callers who were both Black and both leading their respective conferences in passing. It was a monumental game in many ways, with the Huskies winning, 38-7.⁸² Afterward, Dungy went on to follow his career and felt Moon would be drafted that next year, but it didn't happen, just as Dungy went undrafted the year before. In regards to this Dungy said:

When he didn't get drafted, that shook me... you could see how good he was. That put some doubt in my mind (about whether things would ever change). They tell me with my skill set I need to be a defensive back, and Warren's skill set is maybe going to be better in Canada. That doesn't happen now. We have made significant progress there.⁸³

Moon, who ended up playing in Canada before joining the NFL and becoming the first Black quarterback of the modern era to be inducted into the Pro Football Hall of Fame, agrees that the road is clearer. But barriers remain:

We've reached a point with the masses where race isn't as big an issue, but there are people who are very uncomfortable with the fact that their quarterback is African American and making all this money and being endorsed the way they're being endorsed. There's always going to be that certain percentage of our population that feels that way because there's a large percentage of our population that's racist and they don't want to see African Americans in that position anyway. But for the most part, people have accepted it. It's not something that's talked about as much in the media anymore. It's not talked about within teams anymore, I think, among general managers, coaches and owners. When you start the season off with 10 African Americans starting at quarterback on the first day of the season, and probably five of those 10 are the top quarterbacks in the league right now, that shows that we've made a ton of progress at that position.⁸⁴

⁸⁰ Trotter, "Does Race Remain a Factor."

⁸¹ Ibid

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

Albeit there has been some progress since 1974 when quarterback James Harris earned a pro bowl trip with the Rams and was celebrated for doing “most of the things a quarterback is supposed to do” where his “predictable” plays did not matter given the individual talent of the Rams and their easy schedule.⁸⁵ Or when Donovan McNabb the then starter for the Washington Redskins (now Commanders) was accused by his head coach Mike Shannan of not knowing the two-minute offense well enough despite being the winningest QB from 2000 to 2004 and leading the team to a 4-3 record.⁸⁶ The NFL media and organizations are not very far removed from their “clever” but disrespectful commentary of minimizing Black players’ mental as well as downplaying their physical ability. Race has not been completely erased from the process, because qualifiers continue to be used, as in “Black” quarterback instead of just quarterback.⁸⁷ Lamar Jackson is the most recent example of the minimizing of Black quarterbacks.

Entering the 2019 season, the biggest concern from critics around the league was that Lamar Jackson didn't have the throwing ability to make it in the NFL.⁸⁸ Repeatedly it had been said by evaluators that he may be better off just running the ball and at a different position.⁸⁹ In week one of the NFL season, Jackson answered critics by throwing 324 passing yards and five touchdowns.⁹⁰ He then followed up the great performance with “not bad for a running back” when asked about whether or not he proved something to the doubters.⁹¹ New milestones and

⁸⁵ Trotter, “Does Race Remain a Factor.”

⁸⁶ Fienstein, *Raise a Fist, Take a Knee*. 12-21.

⁸⁷ Trotter, “Does Race Remain a Factor.” Black quarterback referred mostly in the media as a dual threat quarterback where there physical running ability is considered and a lack of arm talent is assumed. See Greg Couch, “Warren Moon on Deshaun Watson, Lamar Jackson and the ‘Dual-Threat’ Stigma,” Bleacher Report, accessed May 5, 2023, <https://bleacherreport.com/articles/2666753-warren-moon-on-deshaun-watson-lamar-jackson-and-the-dual-threat-stigma>.

⁸⁸ Ibid.

⁸⁹ Trotter, “Does Race Remain a Factor.”

⁹⁰ Ibid.

⁹¹ Ibid.

strides are being made constantly in the NFL in regard to the “Black” quarterback. It is largely due to their own individual success, talent, and being given the opportunity to succeed by the pioneers that have come before them.

The 2022 NFL season set a record with 11 Black starting quarterbacks and for the first time, the Superbowl was played by two Black starting Quarterbacks. Of the 23 Black quarterbacks who played at least a down this season, a record 20 started at least one game.⁹² Minority players claimed four of the top five spots in passer ratings.⁹³ 70% of the quarterbacks who took a snap in the 2022 season were white.⁹⁴ In the 2021 season, 53, or 71%, were white.⁹⁵ In the 1999 season Steve McNair, who is Black, was the quarterback for the Tennessee Titans and led them to their first and only Super Bowl.⁹⁶ This would mark a trend where many more quarterbacks of color were given a chance.⁹⁷ Each year since 1999, about a dozen Black quarterbacks started at least one regular season game.⁹⁸ The number of Super Bowl appearances has also increased. Another way to study these numbers is through the playoff bracket. Six of the 14 playoff teams' offenses were led by a Black quarterback.⁹⁹ One of these was 49ers' Josh Johnson who only saw limited action, but he was in a group of San Francisco starters that began with Trey Lance.¹⁰⁰ Whether five or six quarterbacks of color are in the playoffs, the percentage is still better than the 2022 regular-season average.¹⁰¹ The future trends of racial parity on the

⁹² Jim Sargent, “Why 2 Black Quarterbacks Are Meeting in Super Bowl 57: Opportunity,” *USA TODAY*, February 9, 2023, <https://www.usatoday.com/story/graphics/2023/02/09/black-quarterbacks-super-bowl-nfl/11201092002/>.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Sargent, “Why 2 Black Quarterbacks Are Meeting in Super Bowl 57.”

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

field compared to leadership on the sidelines still remains to be seen. Only Super Bowl 41 featured two Black head coaches: Lovie Smith and Tony Dungy in 2007 when just 19% of NFL coaches are people of color (six in 2022 as well as 2007), the odds aren't in their favor.¹⁰² Hopefully, there is a lesson to be learned from letting more players of color lead their teams on the field.¹⁰³ All significant statistics despite the Rooney Rule's lack of success.

The Shortcomings of the Rooney Rule

The argument has been made that the Rooney Rule was successful in its early years. In the first decade since the Rooney Rule was implemented in 2003, 17 teams have had either an African-American or Latino head coach or general manager.¹⁰⁴ Three teams: the Chiefs, Colts, and Raiders have had more than one. This progress is unlikely without the forceful push of the rule, because in the 80 years of the NFL's existence before it, just seven head coaches of color were hired.¹⁰⁵ But after this period diversity hiring was treated as a burden, not a benefit so there began to be an increase in people looking for workarounds in order to satisfy the Rooney Rule but still hire the candidates they want. Despite the opportunities that Black coaches have been given, only four teams have Black Head Coaches (DeMeco Ryans, Mike Tomlin, Todd Bowles and Mike McDaniels who is biracial). Evident through the words of Jerry Jones echoed by LaDainian Tomlinson, owners do not know these Black Coaching candidates and lack examples of Black leadership to compare them to.¹⁰⁶ Ownership picks leaders reflective of their own

¹⁰² Sergeant.

¹⁰³ Ibid.

¹⁰⁴ Mike Freeman, "The Rooney Rule 10 Years Later: It's Worked...Usually, and We Still Need It," Bleacher Report, October 24, 2013, <https://bleacherreport.com/articles/1822988-the-rooney-rule-10-years-later-its-worked-usually-and-we-still-need-it>.

¹⁰⁵ Ibid.

¹⁰⁶ Dave Sheinin et al, "How the NFL Blocks Black Coaches," Washington Post, accessed December 16, 2022, <https://www.washingtonpost.com/sports/interactive/2022/nfl-black-head-coaches/>.

individual experiences. The “old traditional quarterback” John Elway, Joe Namath and Johnny Unitas is reinforced when Mitch Trubitsky, a one-year starter out of North Carolina, is taken ahead of Patrick Mahomes who became the NFL MVP in 2018, his first year as the full-time starter, and signed the biggest contract in NFL history two years later.¹⁰⁷ It should then come as no surprise that the “old traditional coach” Vince Lombardi, Jim Walsh, and Don Shula are being replicated with hires of Brian Daboll and Jonathan Gannon over Brian Flores and Eric Bieheminy, respectfully.¹⁰⁸ Just like it took Ozzie Newsome, who knew over fifty-two years ago he would not be the QB of his pop warner team, to draft Lamar Jackson, a draft where four white quarterbacks were taken ahead of Jackson.¹⁰⁹ Black ownership or Black hiring power in the NFL can help bring about the hiring of Black Head coaches in the NFL.

NFL Commissioner, Roger Goodell, said in an end-of-the-year press conference following the 2021 season the NFL “Believes in diversity...we’re not doing a good enough job.” In other words, up until this point there has been a lack of progress on the NFL’s behalf in sustained retention of diverse talent among front office and leadership positions. Can the suit of Brian Flores serve as the (pace Polanyi) “the great transformation” that has been in the past wrongfully attributed to the Rooney rule, similar to how a “great transformation” is attributed to post-World War II racial history?¹¹⁰ Will racism in the NFL simply mutate into a new form or will it bring about real change with an emphasis on a new “racial” policy?¹¹¹ When challenging

¹⁰⁷ Fienstein, *Raise a Fist, Take a Knee*, 140.

¹⁰⁸ In the most recent hiring cycle for NFL Head Coaches Johnathan Gannon was hired over Eric Bieheminy to be the next coach of the Arizona Cardinals. Despite Gannon being the defensive coordinator who lost to Bieheminy’s offense in the Superbowl. More on this in Chapter 2. Brian Daboll got the Giants job instead of Brian Flores, who Bill Belichick in error texted before Flores was interviewed. More on this also in chapter 3.

¹⁰⁹ Ibid., 137-140.

¹¹⁰ Michael Omi and Howard Winant, “Conclusion Racial Formation Rules: Continuity, Instability, and Change,” in *Racial Formation in the Twenty-First Century*, ed. Daniel HoSang, Oneka LaBennett, and Laura Pulido (California, United States: Univ of California Press, 2012), 302–32, : <https://www.jstor.org/stable/10.1525/j.ctt1pn6cq.20>, 308.

¹¹¹ Ibid., 308.

racial inequality, one has to specify very clearly under what circumstances is it appropriate to be “colorblind” and “when racial consciousness needs to be brought to the forefront in order to pursue social justice.”¹¹² It is important to remember that, “we live in racial history,” whether the solution is reparations, reallocation of resources, an emphasis on anti-racist practice, or making the political-personal by filing a suit against one’s own employer.¹¹³ Racial formation theory should help to think about race and racism as continuing encounters in which individuals and groups, confronted by privilege or in the Rooney Rules case the ability to interview, constantly make choices, and locate themselves over and over in the racial “reconstruction” of everyday life.¹¹⁴

Even in cases where minority groups secure political and economic power through collective mobilization, the terms and conditions of their collectivity and the logic of group solidarity are always influenced and intensified by the absolute value of whiteness in American politics, economics, and culture.¹¹⁵ There is a possessive investment in whiteness that always affects individual and group life chances and opportunities. White Americans are encouraged to invest in whiteness because it provides them with structural advantages at the same time, “whiteness is everywhere in American culture, but it is very hard to see.”¹¹⁶ Reflective in the NFL’s policies and procedures and inability to focus on taking practical steps to ensure concrete results. Jonathan Beane, the NFL’s Senior Vice President and Chief Diversity & Inclusion Officer, stated when looking at the Brian Flores suit that, “any criticism we get for lack of

¹¹² Omi and Winant, “Conclusion Racial Formation Rules: Continuity, Instability, and Change.”, “Conclusion Racial Formation Rules,” 313.

¹¹³ Ibid., 316.

¹¹⁴ Ibid., 327.

¹¹⁵ George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia, United States: Temple University Press, 2018), 2.

¹¹⁶ Lipsitz, *The Possessive Investment in Whiteness*, 1.

representation at the GM and head coach positions, we deserve. We see that we're not where we want to be."¹¹⁷ But this should not be the case since there was an active investment into increasing diversity but the possessive investment in whiteness holds a firm grip on the NFL. That is apparent not only with Brian Flores and other Black football coaches but in several instances that the league has been involved with over the years. George Lipsitz references the "white amnesia" that plagues the acknowledgments of white privilege that everyday whites have enjoyed in this country, which has led to unjust white enrichment and unjust Black impoverishment, "Whites generally endorse the spatial arrangements that provide them with unfair gains and unjust enrichment."¹¹⁸ Concentrating on culture allows Lipsitz to capture the elusive, unrecognizable, and nimble forms of place-making Blacks create. There needs to be an emphasis on those with hiring power to concentrate on the same place making Blacks create.

The Rooney rule is inefficient because it does not recognize the possessiveness of whiteness. If the NFL had sought to scrutinize the structural hierarchies in place and why there is a disparity in hiring Black coaches, it would have fixated more on the privileged group. As a result, the value that the NFL places on white leadership would have been one of the emphases for the Rooney Rule. America has expanded the definition of whiteness throughout history and there is a blindness that makes it difficult for white Americans to see race in relation to themselves. The NFL took the opposite approach and tried to redefine minorities in order to deal with issues of race. As a result, the Rooney Rule and other policies that seek to minimize the legacy of racism often fall short of doing so. Until the Rooney Rule defines what it means to be

¹¹⁷ Rob Maaddi, "NFL Executives Want, Expect More Black Coaches to Be Hired," USA TODAY, January 15, 2022, <https://www.usatoday.com/story/sports/nfl/2022/01/15/nfl-executives-want-expect-more-black-coaches-to-be-hired/49654419/>.

¹¹⁸ George Lipsitz, *How Racism Takes Place* (Philadelphia, UNITED STATES: Temple University Press, 2011), <http://ebookcentral.proquest.com/lib/trincoll/detail.action?docID=660533>, 34.

a white owner, defining what it means to be a minority candidate will remain unsatisfactory. The 2023 NFL season will start with four Black head coaches (Mike Tomlin, first-time head coach DeMeco Ryans, Todd Bowles, and Mike McDaniels). Although minimal success early on in the Rooney Rule is evident, an analysis of today's NFL shows the policy has fallen short of its initial intentions. Sports can be seen as a reflection of society and like in American society the NFL has had many incidents regarding race. Owners self admittedly hold "old boys club" beliefs about leadership and hire the people they are familiar with. Space is one of many barriers to entry that Black candidates have to overcome. Many studies have been conducted throughout the years focusing on the NFL and hiring for diversity. The results, although disputed throughout the years are eye-opening and lead to some conclusions about the Rooney Rule and its effectiveness. But when owners' statements, media coverage, and interviews of past Black coaches and players are brought into consideration the persistence of whiteness is evident. Thus, despite the Rooney Rules' existence long-term change in regard to diversity hiring at leadership positions is unlikely to improve.

Chapter 2

Rooney Rule: The NFL's Attempt at Diversity Hiring

We're still dealing with America's original sin — slavery — and the misconception of who Black men are. So we're just trying different things.¹

-NFL Executive and Vice President of NFL Operations Troy Vincent, 2022

The best way to describe who owns the league is that the 32 NFL teams own the league. Therefore, the NFL and its brand are controlled by the NFL franchise owners. Many teams are owned by just one person, while others have dual ownership.² Then, there are others with multiple family members owning percentages of the organization, or in the case of the Green Bay Packers, more than 350,000 stockholders.³ Green Bay is the only publicly owned franchise in the NFL.⁴ Since no one entity owns the NFL, it is the executive committee that makes decisions regarding league policy changes. All 32 teams have a representative on the executive committee. For most teams, this is the owner of the franchise there are however some teams that have an official from the front office sit in on the committee.⁵ For league changes, a three-quarters majority of members on the executive committee is a requirement.⁶ The Brian Flores

¹ Dave Sheinin et al, "How the NFL Blocks Black Coaches," Washington Post, accessed December 16, 2022, <https://www.washingtonpost.com/sports/interactive/2022/nfl-black-head-coaches/>.

² Ryan Gosling, "Who Owns the NFL and Its Brand? | Pro Football Network," Pro Football Network, February 7, 2023, <https://www.profootballnetwork.com/who-owns-the-nfl-and-nfl-brand/>.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

lawsuit compared the NFL management in certain critical ways to much like that of a plantation.⁷

The claim states:

Its 32 owners, none of whom are Black, profit substantially from the labor of NFL players, 70% of whom are Black. The owners watch the games from atop NFL stadiums in their luxury boxes, while their majority-Black workforce put their bodies on the line every Sunday, suffering debilitating injuries to their bodies and their brains while the NFL and its owners reap billions of dollars.⁸

This chapter maps out the historical context that led to the Rooney rule. Also, in the chapter are details of what goes on during the interview process of NFL Head Coaches and what are the qualifications and different pathways to be considered a Head Coaching candidate. This chapter argues that from the policies creation to expansion, and even the redefining of what it means to be a minority the Rooney Rule has been insufficient in bringing about formative change to diversity hiring in the NFL's leadership positions. The NFL chose to introduce diversity to its candidate pool highlighting the issue but they did not do anything to eliminate racial inequality. The organization is relying on hope and good faith from ownership and those in charge of hiring head coaches to increase racial diversity. Racism is instead reinforced due to the pervasive persistence of whiteness structural.

In 1989, Art Shell was hired by the Los Angeles Raiders making him the first Black head coach in the modern history of the NFL.⁹ Before this, Fredrick Pollard was the Coach in 1921 for the Akron Pros and in 1923 the first Black Quarterback.¹⁰ The NFL went 68 years before the

⁷ *Flores v. The National Football League, Case 1:22-cv-00871, 2.*

⁸ *Flores v. The National Football League, Case 1:22-cv-00871, 2.* In 2021, about 71 percent of players in the NFL were people of color (a race other than white). With constant fluctuation in the league and race polling numbers being inconsistent I will use the percentage estimate of 67% to represent the number of Black players in the NFL this is in line with many media outlets, regardless of the actual percentage all statistics as of 2021 point to Black players being the majority.

⁹ Sheinin et al, "How the NFL Blocks Black Coaches."

¹⁰ "How the NFL Forgot Its Greatest Black Pioneer," *BBC Sport*, accessed February 19, 2023, <https://www.bbc.com/sport/american-football/54342296>.

next black NFL head coach was hired. Since the end of World War II, African Americans have made gains in professional football, particularly in the labor force. From 1960 to 1997 the number of Black people on NFL rosters increased from 12 percent to 70 percent.¹¹ Scholars suggest that the increased agitation for Black political power, international circumstances, the shifting attitude of whites towards Blacks, and the quest for increasing profit by sports entrepreneurs facilitated the process of desegregation of professional team sports.¹² Literature shows that federal-level anti-discrimination policies have also experienced a measure of success in changing the racial composition of the workforce. However, until Senate Resolution 511, the federal government has not concerned itself with hiring at the executive level.¹³ Explaining that with the exception of coaching and front office personnel, discrimination in professional football has vastly decreased, compared to the exclusion of Black folks between 1934 through 1946.¹⁴ Art Shell is one of 191 head coaches that have been hired since 1989.¹⁵ In the 33 years since Shell's hiring, just 24 other head coaches have been Black. Before 2003, there had been seven Black head coaches tenured since the American Football League- National Football League merger in 1970 – Art Shell (1989–1994 with the Raiders), Dennis Green (1992–2001 with the Vikings), Ray Rhodes (1995–1998 with the Eagles and 1999 with the Packers), Tony Dungy (1996–2001 with the Buccaneers and 2002 with the Colts), and Herm Edwards (2001–2002 with the Jets).¹⁶

¹¹ Michael E. Lomax, "The African American Experience in Professional Football," *Journal of Social History* 33, no. 1 (1999): 163–78, 163.

¹² Lomax, "The African American Experience," 163.

¹³ Cynthia DuBois, "The Impact of 'Soft' Affirmative Action Policies on Minority Hiring in Executive Leadership: The Case of the NFL's Rooney Rule," *American Law and Economics Review* 18, no. 1 (2016): 208–33, 212.

¹⁴ Thomas G. Smith, "Outside the Pale: The Exclusion of Blacks from the National Football League, 1934-1946," *Journal of Sport History* 15, no. 3 (1988): 255–81, 255.

¹⁵ Sheinin et al, "How the NFL Blocks Black Coaches."

¹⁶ Ibid.

The Rooney Rule

At the end of the 2001 NFL season, the Buccaneers fired head coach Tony Dungy and the Vikings fired head coach Dennis Green. This prompted studies on racial discrimination in the NFL hiring process, one of which, was the commission of economics professor Janice Madden to analyze performance and opportunities for Black coaches relative to white coaches (Valkenburg, 2002). Albeit, the results on whether racial discrimination was present are disputed the fact remains that Tony Dungy built a 54-42 record over six seasons with the Buccaneers before being fired in early 2002.¹⁷ Jon Gruden went on to lead Tampa Bay to the franchise's first Super Bowl championship, but Dungy was still credited in many coaching circles.¹⁸ Meanwhile, Green had made the playoffs in eight of his nine seasons with the Minnesota Vikings but was fired midway through the 2001 season after going 5-10. Green and Dungy were respectively only the third and fifth Black coaches hired to lead NFL teams at the time. Their firings prompted scrutiny and an investigation by civil rights attorneys who determined that when "compared statistically, Black head coaches have a higher winning percentage than their white NFL counterparts, but were still more likely to be fired."¹⁹ With this information made public, agents, coaches, front-office personnel and players came together to insist that the NFL have a more equitable interview process.

¹⁷ "Bucs Fire Coach Tony Dungy - UPI.Com," accessed February 19, 2023, https://www.upi.com/Sports_News/2002/01/14/Bucs-fire-coach-Tony-Dungy/16651011067698/.

¹⁸ Fienstein, *Raise a Fist, Take a Knee*, 100-101.

¹⁹ "How Effective Is the NFL's Rooney Rule and Why Does It Exist?," RSN, accessed February 15, 2023, <https://www.nbcsports.com/philadelphia/eagles/what-nfls-rooney-rule>.

As a result, the NFL attempted to come up with a policy that teams would adhere to ensure there is equality in the hiring process. The Rooney Rule was introduced by the NFL in 2003 based on suggestions by the league's Workplace Diversity Committee. It was named after the active chairman of the committee, Dan Rooney, the late owner of the Pittsburgh Steelers. The committee was initially founded to address the historically low number of minorities in head coaching positions. The original policy required every team with a head coaching vacancy to interview at least one or more diverse candidates before making a new hire. The idea was that with pre-Rooney Rule NFL hiring process remained relatively static because decision-makers unknowingly held (and often still hold) implicit biases regarding the intellectual ability of minority candidates to handle the high degree of organizational complexity in football.²⁰ This is still the case with examples provided later in this thesis. In 1996, Tony Dungy was hired by the Buccaneers a team that was well known for its lack of success. To this point, he had already made history for being the youngest assistant coach (25) and youngest coordinator (28) ever in the NFL.²¹ He served as the head coach of the Tampa Bay Buccaneers until 2001 when he was fired by ownership, who stated they are going in a different direction because Dungy could not quite get them a Superbowl victory after they had reached the playoffs four times since his arrival. Following his release, Tony Dungy was hired by the Indianapolis Colts where he would go on to win a Superbowl in 2006. After his career, he was inducted into the Pro Football Hall of Fame, an impossible feat if he could not handle the organizational complexity of football.

Throughout the years, the Rooney Rule has continued to expand in order to be more inclusive. More employment positions that previously were not covered under the rule have been

²⁰ Brian W Collins, "Tackling Unconscious Bias In Hiring Practices: The Plight Of The Rooney Rule," *New York University Law Review* 82 (n.d.), 870.

²¹ Fienstein, *Raise a Fist, Take a Knee*, 100.

included. In 2009, the policy was modified to include front-office jobs such as General Manager (GM) and all equivalent roles. Additionally, the rule now required that each team interview a minimum of at least two external minority candidates instead of one. One thing to note is that the amendments to the Rooney Rule are sometimes voted on by the league owners or changed by the NFL through a proposal from its diversity committee.²² Usually, decisions that are left to the league owners have to do with future projections of each club such as draft compensation. In November 2020, owners voted in favor of a proposal rewarding teams who developed minority talent that went on to become GMs or Head Coaches across the league. The incentive was that if a team had to replace a minority coach or executive who had been hired by another team, that team would be rewarded a third-round compensatory pick for two years.²³ If a team lost both a coach and a personnel member, it would receive a third-round compensatory pick for three years.²⁴ In 2021, the NFL further expanded the rule requiring every team to interview at least two external minority candidates for open head coaching positions, and at least one external minority candidate for a coordinator job. Coordinator is considered to be the stepping stone to becoming a Head Coach in the NFL. In 2013, 18 of 32 Head Coaches previously held the title of coordinator in the NFL.²⁵ In 2021, another addition to the rule is at least one minority and/or female candidate must be interviewed for senior-level positions which includes club presidents or senior executives.²⁶ Women being included marks the change in the definition of minority candidates for the NFL.

²² “Nfl Expands Rooney Rule Requirements To Strengthen Diversity.”

²³ Ibid.

²⁴ Ibid.

²⁵ Zach Barnett, “Where Do They Come from? Previous Jobs of All 32 NFL Head Coaches,” Footballscoop, June 7, 2013, <https://footballscoop.com/archive-news/where-do-they-come-from-previous-jobs-of-all-32-nfl-head-coaches>.

²⁶ “Nfl Expands Rooney Rule Requirements To Strengthen Diversity.”

Following the 2022 Spring League Meeting, coming at the heels of the Brian Flores class action lawsuit in February of that year, NFL teams are now required to conduct outside interviews with a minority and/or female candidate for vacant QB coaching positions. With many prospective head coaches beginning their careers in the QB room, the ruling is expected to help increase the hiring of minority head coaches in the future. In recent years, the workplace Diversity Committee has proposed additional changes to strengthen the Rooney Rule, including; interviewing at least two diverse candidates from the Career Development Advisory Panel, conducting an in-person interview with at least one external minority candidate for any GM or head coaching interview, completing records and provide them to the league upon the Commissioner's request, and if the final decision maker is involved from the beginning of the hiring process, they must be involved through the conclusion of the process.²⁷ NFL Commissioner, Roger Goodell, stated that the updates "bolster the current Rooney Rule requirements and are intended to create additional opportunities for diverse candidates to be identified, interviewed, and ultimately hired when a vacancy becomes available."²⁸ During the 2020 off-season, two out of seven head coaching vacancies were filled by minority candidates (Robert Saleh, New York Jets, and David Culley, Houston Texans). Additionally, three out of the seven GM openings were filled by minority candidates (Terry Fontenot, Atlanta Falcons; Brad Holmes, Detroit Lions; Martin Mayhew, Washington Commanders).²⁹

Progress with General Managers

In recent years, diversity hiring with GM Positions has fared much better than with head

²⁷ "Nfl Expands Rooney Rule Requirements To Strengthen Diversity."

²⁸ Traci Blunt, "Nfl Expands Rooney Rule Requirements To Strengthen Diversity.", 1.

²⁹ Bilal Morris, "Here Are All The Black Executives And General Managers In The NFL," *NewsOne* (blog), August 31, 2022, <https://newsone.com/playlist/black-general-managers-executives-in-the-nfl/>.

coaches. With all the issues the league has had with hiring Black coaches, it seems things are much more positive when it comes to Black GMs and Execs. The NFL currently has eight Black GMs, as well as a host of other Black people in prominent front-office positions.³⁰ In 2022, Sandra Douglass Morgan was hired by the Las Vegas Raiders to be their new team president, making her the first Black woman in NFL history to hold that position. In a statement, Morgan told ESPN, “We have so much more to do, and I’m excited to be at the helm of that growth and look forward to ushering in the new chapter for the Raiders.”³¹ But she isn’t the only one both the Chicago Bears and Minnesota Vikings have added Black GMs to their organizations during the off-season. Hiring more Black people in the front office allows the opportunity for more diverse conversations, potentially leading to better hiring results.³² There is a long way to go before the NFL can be considered to have true inclusion. The league still has yet to have a Black owner, but the front office is a good start.

This makes room for people such as Ozzie Newsome, the NFL’s first black GM. As a GM, Newsome was in charge of drafting for the Ravens. In 2021 Newsome reflected on his own playing experience as a 14-year-old trying out for his Pop Warner team. He said he knew in 1970 there was no way he would be given a chance to play quarterback, at that time no Black quarterback had ever played in the NFL.³³ With the last pick in the 2018 draft, Newsome selected Lamar Jackson as QB. Lamar Jackson was a Black quarterback with great athletic ability but scouts said he was notably soft spoken and his southern accent made him difficult to understand. Given his communication skills, people felt that it would be difficult for him to be a

³⁰ Morris, “Here are All.”

³¹ Ibid.

³² Ibid.

³³ Fienstein, *Raise a Fist, Take a Knee*. XIII.

quarterback in the NFL and thought he would be more suited to play wide receiver or running back.³⁴ Historically, Black Quarterbacks were not seen as smart enough or good enough leaders to be a quarterback in the NFL.³⁵ Scouts would mistake how he spoke for not being smart or a good leader.³⁶ Misguided statements considering Lamar Jackson was the youngest Heisman winner ever in college at the quarterback position.³⁷ Lamar Jackson went on to be the youngest NFL MVP in history at age 23.³⁸ There are still barriers that Black people in the NFL have to navigate both players and people in leadership positions. The Rooney Rule attempts to be a catch-all for equality in the interview process. The policy has not only gone through constant change for lack of success over the years but it also contains loopholes.

Loopholes of the Rooney Rule

Even with the constant change to the Rooney Rule, there are still loopholes that allow organizations to ignore the policy even if it is only briefly. According to the NFL, the Rooney Rule doesn't apply after March 1st, because coaching staffs essentially become locked on March 1st.³⁹ Essentially meaning there is a workaround for teams not to comply with the rule. In 2022, Tampa Bay Buccaneers coach Bruce Arians announced his retirement and at the same time, the team announced then Defensive Coordinator Todd Bowles, as his replacement. Even though Todd Bowles is Black and a former head coach the news was strange to many as the Rooney

³⁴ Fienstein, *Raise a Fist, Take a Knee*, 84-93.

³⁵ *Ibid.*, 61.

³⁶ *Ibid.*, 90.

³⁷ The Heisman is the most prestigious award in all of college football is the equivalent to the most valuable player. Lamar Jackson won the award at the age of 19.

³⁸ For more on the history of black quarterbacks in the NFL see Chapters 1 and 2 of Fienstein, *Raise a Fist, Take a Knee*.

³⁹ "NFL Considering Closing Rooney Rule Loophole Exposed In Buccaneers' Head Coach Succession - Steelers Depot," accessed December 15, 2022, <https://steelersdepot.com/2022/04/nfl-considering-closing-rooney-rule-loophole-exposed-in-buccaneers-head-coach-succession/>.

Rule was still ignored.⁴⁰ The Buccaneers couldn't conduct a search consisting of assistant coaches from other teams because, after March 1st, teams are no longer required to allow assistant coaches to interview for head-coaching jobs. Thus, the Buccaneers were able to make a hire without interviewing at least two external minority candidates. The reaction to the utilization of this loophole would have been more pronounced if Arians had been replaced by a white assistant coach coming at the heels of the Brian Flores lawsuit.⁴¹ There is a discussion that the NFL will close this loophole. The idea of organizations doing "sham" interviews knowing that they already have their candidate picked out will become a non-issue.⁴² If owners can just fire and replace head coaches without conducting a single interview after waiting until a certain date the Rooney Rule would be rendered useless.⁴³ Brian Flores and many in the media, as well as other Black head coaches that had similar experiences in the interview process, used the term "sham" interviews to describe interviews that are solely meant to satisfy the Rooney rule. In these cases, more often than not a white coach had already been hired for the job they were interviewing for.

In 2009, the Buccaneers fired Jon Gruden and promptly installed Raheem Morris without conducting a full search.⁴⁴ The move was in line with the Rooney Rule at the time, because the

⁴⁰ "NFL Considering Closing Rooney Rule Loophole."

⁴¹ Mike Florio, "The Hiring of Todd Bowles Exposes a Previously Unknown Rooney Rule Loophole," *ProFootballTalk* (blog), March 31, 2022, <https://profootballtalk.nbcsports.com/2022/03/31/the-hiring-of-todd-bowles-exposes-a-previously-unknown-rooney-rule-loophole/>.

⁴² Former Titans head coach Mike Mularkey admitted that when he was hired in 2016, the team delayed an official announcement of his hiring solely so they could conduct interviews with minority coaches to satisfy the Rooney Rule. Ray Horton was part of the interview process. Brian Flores, Steve Wilks, Jim Cladwell, Teryl Austin and many more have all accused teams in the NFL conducting interviews with them knowing already who they were going to hire. Michigan State head coach Mel Tucker, like some other black coaches, have even taken college jobs in order to avoid being a way for teams to conduct such interviews. More on this in Chapter 3.

⁴³ Michael Smith, "Attorneys General Say NFL Could Be Investigated for Workplace Harassment," NBC Sports, April 7, 2022, <https://www.nbcsports.com/video/embed/nbcsports/qzyDi5XAsIwd>.

⁴⁴ Mike Florio, "Source: NFL Considers Closing Rooney Rule Loophole," *ProFootballTalk* (blog), April 1, 2022, <https://profootballtalk.nbcsports.com/2022/03/31/source-nfl-considers-closing-rooney-rule-loophole/>.

rule required only one minority interview. If a team was instantly hiring a minority head coach, it did not necessarily have to comply with the requirements of the rule. In 2022, a different Rooney Rule applies. Now, the rule requires two interviews of external minority candidates. Thus, even though the Buccaneers have elevated a black assistant coach to the position of head coach, the process technically violates the terms of the Rooney Rule, since the Buccaneers should have conducted a search that included at least two external minority interviews. But owners using their power to exploit the Rooney Rule is not always this apparent. There are more subtle ways for them to hire a head coach without the Rooney Rule being a factor by firing a coach during the season and then appointing an interim.

The news that the Colts hired former Pro Bowl Center, Jeff Saturday, to be the team's interim coach despite his lack of experience as a professional coach prompted NFL media around the country to suggest that the hire made the league's issues of hiring minority coaches even more apparent.⁴⁵ Part of Brian Flores's racial discrimination lawsuit against the NFL raised the issue of the promotion of unqualified white candidates over minority candidates with more experience. Colts owner, Jim Irsay, dismissed those criticisms introducing Saturday as Head Coach, citing his record of hiring Black head coaches in Indianapolis:

Tony Dungy, being in the Hall of Fame as the first African-American coach, and being followed by Jim Caldwell... When Tony took a leave of absence for a very unfortunate family situation, Jim Caldwell was our interim head coach. It was interim, just like this is.⁴⁶

⁴⁵Joel Erickson, "Colts Owner Jim Irsay Dismisses Rooney Rule-Related Criticism of Jeff Saturday Hire," The Indianapolis Star, accessed February 14, 2023, <https://www.indystar.com/story/sports/nfl/colts/2022/11/08/colts-jim-irsay-dismisses-rooney-rule-criticism-of-jeff-saturday-hire/69628897007/>.

⁴⁶ Ibid.

The hiring of Saturday is not in violation of the Rooney Rule. The rule does not apply to interim coaches. It does apply after the conclusion of the team's season. Then the club would be required to follow the rule before hiring a full-time coach.⁴⁷ But as previously mentioned this is not always the case due to league hiring deadlines.

Owner Jim Irsay also pushed back on the questions about Saturday's qualifications for the job. In the hiring press conference, he said, "[Saturday] is fully experienced enough...He is fully capable...He is extremely smart...He's extremely competitive. He understands the game."⁴⁸ Irsay discarded all the knowledge, experience, and merit that most coaches strive for throughout their careers. Qualifications are all meaningless. As a reporter for *The Guardian* said, "you can skip the queue so long as you have a strong jawline, a fiery persona, and the phone number of the owner."⁴⁹ There have been 42 cases where an Interim Coach has been promoted to a full-time Head Coach the following year.⁵⁰ An interim tag can serve as the ideal job interview for a full-time position, particularly one with a team in a bad division with a talented roster and an eight-game lifespan.⁵¹ More about the qualifications to be a Head Coach later in the chapter.

Irsay vowed to fulfill the terms of the Rooney Rule in the team's search for a long-term Head Coach at the end of the season, although he did also express a desire for Saturday to win

⁴⁷ Erickson, "Colts Owner Jim Irsay Dismisses Rooney Rule."

⁴⁸ Ibid.

⁴⁹ Oliver Connolly, "With Jeff Saturday's Hire, the Colts Won the Super Bowl of Nepotism," *The Guardian*, November 9, 2022, sec. Sport, <https://www.theguardian.com/sport/2022/nov/09/with-jeff-saturdays-hire-the-colts-won-the-super-bowl-of-nepotism>.

⁵⁰ Scott Kacsmar, "Does Promoting an Interim Head Coach Actually Work in the NFL?," Bleacher Report, accessed February 16, 2023, <https://bleacherreport.com/articles/1228826-does-promoting-an-interim-head-coach-actually-work-in-the-nfl>.

⁵¹ Connolly, "With Jeff Saturday's Hire, the Colts Won the Super Bowl of Nepotism."

the job outright.⁵² A decision Irsay, ultimately, has the final say over. One of the criticisms levied at the Colts on Monday was that Saturday's hiring gave him an advantage that minority candidates will not have. He dismissed these claims saying there is no problem and questioned whether journalists are ever held accountable like NFL owners are.⁵³ There have been five major incidents of owners in the league being fined, suspended, or persuaded to sell.⁵⁴ Irsay was one of these incidents back in 2014. Never has there been an involuntary termination of an owner.⁵⁵ The process involves the commissioner calling for a vote and getting $\frac{3}{4}$ of the other owners to be in favor of forcing an owner to sell a franchise.⁵⁶ There have been four NFL Head Coaches fired just this year. The accountability discussed by Irsay is misguided. But the owner does brush over the qualifications he believes necessary to be a head coach in the NFL. They include intelligence, understanding the game, and a competitive spirit. These are all traits apparent in Jeff Saturday, so much so that experience and merit are nonfactors. So then how similar is Colt's hiring of Jeff Saturday, another friend and owner relationship, to the actual interview process conducted by other teams?

⁵² Connolly, "With Jeff Saturday's Hire, the Colts Won the Super Bowl of Nepotism."

⁵³ "Colts Owner Jim Irsay Dismisses Rooney Rule-Related Criticism of Jeff Saturday Hire."

⁵⁴ Thomas Barrabi, "NFL's History of Fining, Suspending Owners for Missteps," Text.Article, FOXBusiness (Fox Business, July 16, 2020), <https://www.foxbusiness.com/sports/nfl-team-owner-fines-suspensions>.

⁵⁵ "Jim Irsay's Comments Put Onus on Other NFL Owners to Grapple with Daniel Snyder's Status," NFL.com, accessed February 16, 2023, <https://www.nfl.com/news/jim-irsay-s-comments-put-onus-on-other-nfl-owners-to-grapple-with-daniel-snyder->.

⁵⁶ "Q&A: Can the NFL Force Dan Snyder to Sell the Washington Commanders? | Secondary Sources | National | Westlaw Today," accessed February 16, 2023, [https://today.westlaw.com/Document/I4713a842553d11ed8636e1a02dc72ff6/View/FullText.html?transitionType=CATEGORYPageItem&contextData=\(sc.Default\)&firstPage=true](https://today.westlaw.com/Document/I4713a842553d11ed8636e1a02dc72ff6/View/FullText.html?transitionType=CATEGORYPageItem&contextData=(sc.Default)&firstPage=true).

The Interview Process

As with every season, head coaches will be told by the organizations they work for that they will be “moving in a different direction.”⁵⁷ Coaches are the first to blame and be removed for a team’s lack of success. And in the following months, players will also be terminated from their teams. The lack of patience with coaching performance is highlighted when the Cardinals fired coach Steve Wilks, who later joins Brian Flores’ lawsuit, after one season in 2018. There are many factors at play but two stand out. First, the worth of all NFL franchises is at or exceeds \$2 billion, owners can justify discarding a coaching staff that will cost them, \$15 million or 20 million in carryover contract expenses.⁵⁸ With the head coach being the face of the franchise, owners will spend in order to get whom they want. The other reason for the quick trigger by NFL owners is they see teams improve quickly with systematic restraints on player costs such as the salary cap, free-agency restrictions, revenue sharing, inverse order draft, etc.⁵⁹ Owners also see quick turnarounds with teams, such as the Rams with Sean McVay, and want the same for their franchises. Sean McVay is the youngest NFL head coach ever and has been to two Super Bowls, winning one in just six years of being a head coach.

While different for every team, there are a couple of constants in the interview process. Team personnel is a major discussion point, coaching candidates are often asked about thoughts on certain players and their fit with their scheme; commitment to certain players; willingness to play young players, reliance on veterans, etc.⁶⁰ The structure is also a discussion point in

⁵⁷ Andrew Brandt, “What Goes On in a Coaching Interview? Inside the Hiring Process,” Sports Illustrated, January 14, 2020, <https://www.si.com/nfl/2019/01/08/head-coaching-interview-hiring-firing-process-offseason-behind-scenes>.

⁵⁸ Brandt, “What Goes On in a Coaching Interview.”

⁵⁹ Ibid.

⁶⁰ Ibid.

interviews, often depending on the leverage of the candidate. For someone in high demand, a team might be more deferential in terms of structure and control over the roster.⁶¹ First-time Head Coaches are given little to no control over the makeup of the roster, relying solely on GM and player personnel. When looking at Black coaches being rehired and first-time hires this is significant because if they are not the ones building their roster they are not the sole ones responsible for team success. Another important discussion point is staffing, each coach comes with a list of staff members they would like to work with. And the team may state a strong preference or suggestion to keep a certain coach or coaches from the previous staff.⁶² This can also reproduce a lack of opportunity if coaches are continuing to just hire their “buddies.”⁶³

Over the past decade in the NFL, search firms have become an increasingly large part of the Head Coach selection process. NFL owners are paying these firms fees ranging as high as 33% of the coach’s first-year salary, to essentially identify candidates who can be identified with relative ease and to ask questions that they themselves can ask.⁶⁴ Writer at *Sports Illustrated*, Andrew Brandt, feels that owners continue to use this expensive tool that has shown mixed results to “check the box.”⁶⁵ Ownership, “can answer to themselves, their fans, and their owner brethren that they have taken that extra step in ensuring they have the right person. And, of course, if things don’t work out, they have cover to just blame it on the search firm!”⁶⁶ Not only do they not want to be accused of hiring the wrong candidate, but they also want to avoid any accusations of discrimination that may be projected since they often times bypass one now two

⁶¹ Brandt, “What Goes On in a Coaching Interview?”

⁶² Ibid.

⁶³ Connolly, “With Jeff Saturday’s Hire, the Colts Won the Super Bowl of Nepotism.”

⁶⁴ Brandt, “What Goes On in a Coaching Interview”

⁶⁵ Ibid.

⁶⁶ Ibid.

minority candidates in order to hire the coach that they want.⁶⁷ Owners want the praise when a coaching candidate of their choosing is successful and they want none of the blame when that candidate is not successful especially when they have to turn down at least two minority candidates just to arrive at their selection.

ESPN did a study to explain what it means to be a head coaching candidate. The media network spoke to a half-dozen people involved in the interview process to frame a picture, and there were two key takeaways: The coaching candidates, are already implied to have knowledge of football. But what they need to do in the interview is show leadership ability. Some believe the ability to show leadership qualities outweighs football knowledge. "It's not about the X's and O's, it's about the CEOs," said agent Bob LaMonte, who has represented 53 Head Coaches over a career that has spanned more than 30 years.⁶⁸ A typical first interview is three to five hours, although some have been known to go much longer. And they occur wherever it is convenient. Many happen at the team facility, but sometimes teams have to go on the road if they're meeting with a candidate still involved in the playoffs.⁶⁹ In many cases, that means a conference room at a five-star hotel. But sometimes like with Kansas City Chiefs Offensive Coordinator, Eric Bieniemy, these interviews can happen in standard hotels, inside a room with limited seating.⁷⁰ When Rex Ryan interviewed for the New York Jets' Head-Coaching vacancy in 2009, he met team officials at a small airport near the Baltimore Ravens facility in Owings Mills, Maryland since he was preparing for a playoff game.⁷¹

⁶⁷ Brandt, "What Goes On in a Coaching Interview"

⁶⁸ "What Happens during Interviews for Prospective NFL Head Coaches? Go inside the Room," ESPN.com, January 6, 2022, https://www.espn.com/nfl/story/_/id/32994019/what-happens-nfl-head-coaching-interviews-not-x-os-ceos.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

In a normal setting, a candidate is interviewed by the Owner, GM, team president, and sometimes the general counsel. Some teams employ an outside firm as previously mentioned. Teams are equipped with an abundance of questions. Once the interview starts, teams have a few hours or so to figure out if the person across the conference table can lead a billion-dollar corporation. So, they probe. Some typical questions, according to those who have participated in the process: What is your discipline policy? Do you want to have the final say on personnel? What happens if your star player is skipping voluntary off-season workouts? What is your evaluation of our quarterbacks?⁷² Former Jets and Miami Dolphins Executive, Mike Tannenbaum, always tried to dig a little deeper, asking offbeat questions to gauge the candidate's mindset and ability as a problem solver. Some of his questions were: What's your biggest pet peeve? If you could invite three people to dinner, dead or alive, who would they be?⁷³

Brian Levy, a long-time agent, mentions how interviewees have to, “exhibit the 'it' factor,” they have to be able to walk into the room and command it. ⁷⁴ What is somewhat surprising is that there is usually not a lot of talk about schemes of football or the X's-and-O's. There may be some breakdown of general philosophy with an emphasis on player personnel such as height and weight, but the focus is leadership and whether the candidate has the people skills to “galvanize the organization.”⁷⁵ The construction of race and racial meanings can be understood by classifying people on the basis of real and imagined attributes.⁷⁶ These classifications like exhibiting it factor are done in order to situate one another in the context of

⁷² “What Happens during Interviews for Prospective NFL Head Coaches?”

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Michael Omi and Howard Winant. *Racial Formation in the United States*. 3rd, illustrated, revised ed. (New York, United States: Routledge, 2014), 12.

social hierarchies. Race along with age, class, gender, nationality, and culture have all been used in order to explain differences. It involves “othering,” which is used to justify subordinate status and unequal treatment.⁷⁷ The NFL’s hiring process for head coaches is less about schematics and obtainable knowledge and more about being able to project oneself as the image of a leader defined by NFL standards.

Sometimes there are bad fits where expectations were not upheld on both ends after the interview has taken place. In 2009, the Tampa Bay Buccaneers hired Raheem Morris, who thought he was inheriting a veteran team. Shortly thereafter, they got rid of most of the veterans and started to rebuild with a rookie quarterback, which wasn't what Morris envisioned.⁷⁸ He lasted three years before he was fired. Even though there is no uniform way that interviews are conducted there are still league rules in order to maintain some semblance of organization and fairness. However, outside of league rules each organization is free to conduct interviews however they would like. Even with the randomness of interviews, there are still patterns that can be traced on the path of becoming a head coach. In recent history, being a successful offensive coordinator has been an effective way to be hired as a head coach in the NFL. At least one offensive coordinator has been hired in the last 3 NFL hiring cycles.

Are There More Black Coaches?

In the past few years, working as an offensive coordinator for a Super Bowl-winning team has almost guaranteed you a head-coaching job in the NFL.⁷⁹ Starting with the Philadelphia Eagles, who won Super Bowl LII, in 2018. Soon after the Eagles’ Offensive

⁷⁷ Omi and Winant, *Racial Formation in the United States*, 12.

⁷⁸ “What Happens during Interviews for Prospective NFL Head Coaches?”

⁷⁹ Gregory, “The NFL Continues.”

Coordinator, Frank Reich, was introduced as the new Head Coach of the Indianapolis Colts. He took that job after the Super Bowl-winning Offensive Coordinator in 2017, Josh McDaniels of the New England Patriots, decided at the last minute to turn down the Colts job and keep his Assistant Position in New England.⁸⁰ The Patriots won Super Bowl LIII, in 2019, the following year. McDaniels is now the Head Coach of the Las Vegas Raiders. Then in 2020 the Kansas City Chiefs won Super Bowl LIV. But Chiefs Offensive Coordinator, Eric Bieniemy, a Black former NFL Running Back, did not receive any head-coaching opportunities. The following season, the Tampa Bay Buccaneers defeated the Chiefs. Buccaneers Offensive Coordinator, Byron Leftwich, a Black former NFL Quarterback, was not hired as a Head Coach. Meanwhile, the Los Angeles Rams won last year's Super Bowl. Afterward, the Minnesota Vikings finalized the hiring of that team's Offensive Coordinator, Kevin O'Connell, as their new Head Coach. And this year, the Chiefs won their second Super Bowl in four seasons. After the game, Chiefs' Head Coach, Andy Reid, went out of his way to praise Bieniemy, saying he was "phenomenal."⁸¹ But as the 2023 NFL hiring cycle is concluded, Bieniemy was passed over once again for a head-coaching job. He had interviewed for the Indianapolis Colts' position, but the team announced that it was hiring the Offensive Coordinator from the losing Super Bowl team, Eagles' Offensive Coordinator Shane Steichen. The Arizona Cardinals also finalized a deal with the Eagles' Defensive Coordinator, Jonathan Gannon. This is fascinating because three days before the deal Bieniemy was credited as being the architect behind an offense that dominated Gannon's defense in the second half of the Super Bowl, winning a second ring in the process.⁸² In the case of

⁸⁰ Gregory, "The NFL Continues."

⁸¹ Ibid.

⁸² James Dator, "Why Isn't Eric Bieniemy a Head Coach yet?," SBNation.com, February 15, 2023, <https://www.sbnation.com/nfl/2023/2/15/23600889/eric-bieniemy-chiefs-super-bowl-andy-reid-patrick-mahomes-head-coach-nfl>.

Bieniemy results do not matter. The success of his offense is not enough to get him an opportunity unlike all other examples previously mentioned.

The Rooney Rule implies that franchises are biased, for whatever reason, against interviewing minority candidates. However, after being forced to interview a minority candidate, the franchises can recognize their bias and realize that the minority candidate is best suited for the position. The argument is that, prior to the Rooney Rule, even to be considered for an interview, a minority candidate had to exhibit performance far exceeding their peers.⁸³ Consistent with theories of the “model minority” in which black coaches have to achieve a higher degree of success than the population average, thus serving as a reference group to outgroups.⁸⁴ Madden and Rütter (2011) found that the racial differences in head coaching performance observed prior to 2003 were not present in the post-Rooney era, illustrating a form of the bias effect.⁸⁵ The perception is that, in the absence of bias, franchises are filling a job vacancy and choosing the candidate who has the maximum expected productivity among those selected for an interview.⁸⁶ If minorities and non-minorities are interviewing for the same set of positions, then the candidates who get hired should be above some threshold in productivity.⁸⁷ In the absence of bias, this threshold would be the same for both minorities and non-minorities. In the presence of bias, this threshold would differ by race.⁸⁸ Considering the hiring constraints organizations face between timelines and public relations the Rooney Rule should be effective in eliminating bias. But contrary to players, the associated requirements to being a head coach are

⁸³ DuBois, “The Impact of ‘Soft’ Affirmative Action Policies,” 229.

⁸⁴ Maxwell Leung, “Jeremy Lin’s Model Minority Problem,” *Contexts* 12, no. 3 (2013): 52–56.

⁸⁵ *Ibid.*, 213.

⁸⁶ DuBois, “The Impact of ‘Soft’ Affirmative Action Policies,” 229.

⁸⁷ *Ibid.*, 229.

⁸⁸ *Ibid.*, 229.

much less objective and the cost to replace a head coach is much higher since it involves many staff changes and can functionally shift the trajectory of a team, as a result, there must be a great deal of trust between owner and head coach.

Louis Moore, professor of history at Grand Valley State University who specializes in African-American and sports history says, “Eric Bieniemy has done everything he is supposed to do...He’s worked his way up, and he’s won. If he was white, he would have a job. There’s no question about that.”⁸⁹ Bieniemy has interviewed 17 times, with 16 different teams, for head-coaching positions since the Chiefs reached the first of their five straight AFC championship games, back in 2019.⁹⁰ One reason often brought up for his lack of opportunities is that Reid, not Bieniemy, calls the plays in Kansas City. Although, not always the case being an offensive coordinator typically comes with the responsibility of calling the offensive plays. However, former Chiefs offensive coordinators, Doug Pederson and Matt Nagy, who also worked under Reid were also not regular play-callers for most of their tenures.⁹¹ They also did not win Super Bowls in Kansas City, as Bieniemy has. But both were hired as Head Coaches: Nagy by the Chicago Bears, and Pederson with the Eagles, where he won a Super Bowl.

Less accomplished coaches, like Steichen (in terms of Superbowl wins), are getting jobs before Bieniemy. Only white coordinators, it seems, are likely to be labeled offensive “gurus.”⁹² Few have granted Bieniemy that cachet, even though he has the resume to prove that he has been the most prolific Offensive Coordinator in the last five years. The Chiefs are also making a

⁸⁹ Gregory, “The NFL Continues.”

⁹⁰ Ibid.

⁹¹ Gregory, “The NFL Continues.”

⁹² Ibid. Gurus is a media term most often associated with coaches that demonstrate a higher degree of knowledge in regards to decision making and play calling.

conscious effort to make him out to be a worthy candidate. Andy Reid even asked in the owner's meeting this past year why Eric Bieniemy does not have a job.⁹³ Moore believes, "The NFL hasn't come to terms that there could be a Black genius."⁹⁴ As previously mentioned it's not based on accolades or merit it's based on the owners' perception of a candidate. Do they have the "it factor?" Clearly what is being expressed by organizations about Eric Bieniemy is that he does not have that. At the start of the 2023 season, Eric Bieniemy will be the offensive coordinator and assistant head coach for the Washington Commanders. Hopefully now with primary play caller responsibilities, Bieniemy will be seen as a legitimate head coaching candidate like his contemporaries.

By definition, the Rooney Rule should be effective in facilitating change by increasing and diversifying the head coaching pool. Per the NFL's definition on its inclusion website:

The Rooney Rule is one part of the NFL's effort to develop a deep, sustainable talent pool at all levels of the organization. The policy promotes diverse leadership among NFL clubs to ensure that promising candidates have the opportunity to prove they have the necessary skills and qualifications to excel. Through hiring best practices, the Rooney Rule aims to increase the number of minorities hired in head coach, GM, and executive positions. This diversity enriches the game and creates a more effective, quality organization from top to bottom.⁹⁵

In principle, this rule should be effective in finding capable minority candidates who are able to lead a franchise to sustained success, making the NFL's leadership roles more reflective of its player base. Unless there is a belief that these minority candidates do not possess the "it" factor it takes to be an NFL head coach. But again, as a way to combat these notions, the NFL continues

⁹³ Lindsay Jones [@bylindsayjhjones], "11 Months Ago, Andy Reid Stood up in a Privileged Session at NFL Owners Meetings and Passionately and Directly Asked League Owners Why Eric Bieniemy Hadn't Gotten a Head Coaching Job. Here We Are, Another Coaching Cycle Complete, and EB Still Hasn't Gotten an Offer.," Tweet, *Twitter*, February 14, 2023, <https://twitter.com/bylindsayjhjones/status/1625618062018748437>.

⁹⁴ Gregory, "The NFL Continues."

⁹⁵ "The Rooney Rule | NFL Football Operations," accessed December 15, 2022, <https://operations.nfl.com/inside-football-ops/inclusion/the-rooney-rule/>.

to focus on the Rooney Rule when in fact the process of hiring is flawed.

Commissioner Roger Goodell had raised the possibility of eliminating the Rooney Rule entirely and starting over, but Dasha Smith, the NFL's executive vice president and chief people officer, said it remains effective in multiple areas.⁹⁶ She says in regards to the new changes to the Rooney Rule, "It has been very helpful to our diversity efforts overall... While we haven't seen the results we want to certainly with the Head Coach position, we have this season seen results that showed progress, particularly in the Defensive Coordinator roles."⁹⁷ A league-record 15 minorities are among the NFL's Defensive Coordinators for 2022, according to league data. Overall, minority coaches now make up 39% of the league total, up from 35% in 2021.⁹⁸ There are also a league-record 12 women on coaching staffs. Pittsburgh Steelers owner Art Rooney II, the chairman of the NFL Diversity, Equity and Inclusion Committee claimed: "It's a recognition that at the moment when you look at stepping stones for a head coach, they are the coordinator positions. We clearly have a trend where coaches are coming from the offensive side of the ball in recent years, and we clearly do not have as many minorities in the offensive coordinator [job]."⁹⁹ But in recent years two Super bowl winning Black coaches Eric Bieniemy and Byron Leftwich both have been excluded from this trend. Another barrier that Brian Flores is addressing in his class action lawsuit.

At the end of the 2001 season with the firing of Tony Dungy and Dennis Green, studies were prompted around discrimination in the hiring process and overall the lack of Black coaches

⁹⁶ "NFL: All Teams Must Add Minority Offensive Coach," ESPN.com, March 28, 2022, https://www.espn.com/nfl/story/_/id/33617341/nfl-says-all-teams-add-minority-offensive-coach-expands-rooney-rule-include-women.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ "What Happens during Interviews for Prospective NFL Head Coaches?"

in the league up until this point. As a result, in 2003, the NFL's Workplace Diversity Committee created the Rooney Rule. This rule has not resulted in any noticeable change. The policy itself has undergone numerous revisions in order to address its lack of effectiveness. It has also expanded its definition of what it means to be a minority and has opened up the rule to include more positions such as Coordinator, GM, and Quarterback Coach. But even with these changes, there are still ways the NFL owners can exploit the rule in order to hire whomever they want, including their friends reinforcing a cycle of nepotism. There are no consequences for NFL owners to uphold the spirit of the Rooney Rule. A policy meant to "promote diverse leadership among NFL clubs to ensure that promising candidates have the opportunity to prove they have the necessary skills and qualifications to excel."¹⁰⁰ Qualifications become a moot point if owners just ignore the policy, conduct interviews just to satisfy the policy already knowing whom they want to hire, or deduce that merit or any other qualifications do not matter. Interviews are about proving undefinable and oftentimes for Black candidates an unattainable "it factor."¹⁰¹ That is how trends like the uptick in Offensive Coaches becoming Head Coaches exclude two Super Bowl-winning coaches in the past five years who are both Black. The NFL leadership, whether within the league office or the individuals who own and run the NFL's 32 teams, looks vastly different from its majority-Black player workforce. That leadership has long shown limited urgency in correcting this imbalance outside the inadequate Rooney Rule.¹⁰²

¹⁰⁰ "The Rooney Rule | NFL Football Operations."

¹⁰¹ "What Happens during Interviews for Prospective NFL Head Coaches?"

¹⁰² Kent Babb, Andrew Golden, and Mark Maske, "The Brian Flores Experience? 'That's the Reality for Most Black Coaches,'" *Washington Post*, February 6, 2022, <https://www.washingtonpost.com/sports/2022/02/06/brian-flores-black-coaches-interviews/>.

Nearly two decades after the NFL enacted the Rooney Rule, teams' hiring and firing practices still disadvantage Black coaches at every turn.¹⁰³ A brief uptick of Black coaching hired in the mid-2000s provided hope that racial equity was within reach.¹⁰⁴ But that potential for progress was a delusion. In the 33 years since Art Shell's hiring, just 24 other Head Coaches have been Black.¹⁰⁵ Despite the league's end-zone pledge to "END RACISM," Black coaches continue to be denied top jobs in a league in which nearly 70 percent of the players are Black.¹⁰⁶ There have been rules implemented and promises made but still, no concrete change is evident.¹⁰⁷ The Rooney Rule may have had good intentions. However, well-intentioned or not, what is clear is that the Rooney Rule is not working.¹⁰⁸ The rule does not work because the numbers of Black Head Coaches, Coordinators, and Quarterback Coaches are not even close to being reflective of the number of Black athletes on the field.¹⁰⁹ The Rooney Rule is also not working because management is not doing well-intentioned interviews, and it, therefore, creates a stigma that interviews of Black candidates are only being done to comply with the Rooney Rule rather than in recognition of the talents that the Black candidates possess.¹¹⁰ The next chapter focuses on the lawsuit issued by Brian Flores against the NFL. By highlighting more Black coaches and media pundit accounts of "sham" interviews and a "double standard," the chapter will detail the current Black experience and the mobility barriers placed on Black coaches not seen with their white counterparts.

¹⁰³ Sheinin et al, "How the NFL Blocks Black Coaches."

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ *Flores v. The National Football League, Case 1:22-cv-00871*, 2.

¹⁰⁸ Ibid., 5.

¹⁰⁹ Ibid., 5.

¹¹⁰ *Flores v. The National Football League, Case 1:22-cv-00871*, 5.

Chapter 3

Brian Flores and the Black Experience

They're capable dudes whose resumes speak for themselves, but for whatever reason, keep coming up short from getting the opportunity to show they're one of the best 32 in the world at what they do because that's what we're talking about right? You talk about head (coaching) football jobs in the NFL, you're talking about the best 32 in the world at what you do.¹

-Mike Tomlin, 2022

Brian Flores and other Black coaches in the NFL are not seen as capable of being leaders of one of the 32 organizations within the NFL. Since 1990, only eleven percent of full-time head coaches have been Black.² The discrimination of Black coaches in the NFL is not new, with evidence apparent in the past century of the NFL. Brian Flores and his class action lawsuit helped to provide public conversation around the structural racism in the NFL. Between his own experiences and many others told by media pundits through interviews, podcasts, and articles the case of Brian Flores is not an isolated incident but a fraction of the reality of what it is like to be a Black coach in the NFL. This chapter will use the class action lawsuit and other personal accounts to show the pervasive persistence of structural racism in the NFL. The policies that exist are not sufficient enough to account for the number of disparities that Black and other minorities go through. Drawing on the words of owners and official statements released by the NFL, I will consider the persistence of disparity.

¹ Chris Carter, "Mike Tomlin Details Relationship with Brian Flores: 'You're Not Alone,'" *Steelers Now*, June 21, 2022, <https://steelersnow.com/mike-tomlin-details-brian-flores-relationship-youre-not-alone-discrimination-steelers/>.

² Avery Chapnick, "How the NFL Disadvantages Black Coaches," *IA* (blog), accessed March 6, 2023, <https://the1a.org/segments/how-the-nfl-disadvantages-black-coaches/>.

BRIAN FLORES

The class action complaint of *Brian Flores v. The National Football League; New York Football Giants, Inc.; Miami Dolphins, Ltd.; Denver Broncos; and John Doe Teams 1 through 29*. Brian Flores filed this complaint after his unforeseen firing from the Miami Dolphins, after just two winning seasons out of three seasons in total. Brian Flores alleges that he and other qualified Black and other minority candidates are routinely held to higher standards, rejected, or not considered at all for coaching and other leadership roles in the National Football League. In January 2022, Flores was fired by the Dolphins after leading the team to its first back-to-back winning seasons since 2003. The team claims his termination was due to alleged poor collaboration.³ But in reality, the relationship between Brian Flores and the Dolphins was compromised in his very first season when he refused his owner's directive to "tank" for the first pick in the draft.⁴ During the 2019 season, Miami's owner, Stephen Ross, told Flores that he would pay him \$100,000 for every loss, and the team's General Manager, Chris Grier, told Flores that ownership was mad that Brian Flores' success in winning games that year was "compromising draft position."⁵ But the unsteady relationship continued when at the end of the 2019 season Ross began to pressure Flores into recruiting a prominent quarterback in violation of the NFL's tampering rules. If Flores agreed to comply the potential consequences for his actions could have led to heavy fines, termination, and possible league suspension or being permanently banned. As a result of the NFL investigation, Stephen Ross was suspended for several months and the Dolphins were stripped of two draft picks.⁶ Mild punishment for an Owner compared to

³ *Flores v. The National Football League, Case 1:22-cv-00871*, 4.

⁴ *Ibid.*, 5.

⁵ *Ibid.*, 5.

⁶ Daniela Perez, "NFL Finds Dolphins Had 'Impermissible' Contact With Tom Brady in 2019, '21," *Sports Illustrated*, August 2, 2022, <https://www.si.com/nfl/2022/08/02/nfl-finds-dolphins-impermissible-contact-with-tom>

what could have happened to the Head Coach if the NFL found that Flores was also in compliance.

Brian Flores did not adhere to these inappropriate directives but Stephen Ross was persistent. In the winter of 2020, Ross invited Flores onto a yacht for lunch.⁷ Shortly after he arrived, Ross informed him that the same quarterback who is now known to be Tom Brady will also be joining them.⁸ Stephen Ross had attempted to “set up” an allegedly impromptu meeting between Brian Flores and Tom Brady, a clear violation of league rules.⁹ Flores refused the meeting and left the yacht immediately. After the incident, Mr. Flores was treated with disdain and held out as someone who was noncompliant and difficult to work with. What is also significant, is the fact that this meeting was to take place on the owner’s yacht. Elijah Anderson, professor of Sociology and American studies writes about “white space.” In his work, he says, “Black people are required to navigate the white space as a condition of their existence.”¹⁰ The fact that Brian Flores was ostracized and ultimately he was fired after this incident means that he did not “pass inspections.”¹¹ There is an implicit racial order that implies that whites are dominant and Blacks are subordinate.¹² Therefore, a Black person’s deficit of credibility may be minimized or tentatively overcome by performance, in Flores’ instance cooperation, through

brady-in-2019-21. See article for more on Dolphins tampering investigation involving Quarterback Tom Brady and Head Coach Sean Payton.

⁷ *Flores v. The National Football League, Case 1:22-cv-00871*, 6.

⁸ The term tampering, as used within the National Football League, refers to any interference by a member club with the employer-employee relationship of another club or any attempt by a club to impermissibly induce a person to seek employment with that club or with the NFL. In 2018 was the first time ever the future hall of fame quarterback was a free agent.

⁹ *Flores v. The National Football League, Case 1:22-cv-00871*, 6.

¹⁰ Elijah Anderson, “The White Space,” *American Sociological Association*, 2014. *Sociology of Race and Ethnicity* 2015, Vol. 1(1) 10–21, 10.

¹¹ *Ibid.*, 13.

¹² *Ibid.*, 13.

which individual Blacks perform to be accepted.¹³ Flores did not engage in such a performance and was subsequently defamed throughout the media and the League as he was labeled by the Dolphins as someone who was difficult to work with.¹⁴

After his termination, Brian Flores set his sights on the New York Giants Head Coach opening. The Giants had the chance to hire Flores, a qualified Black man, to be the first Black Head Coach in the Giants' nearly 100-year history.¹⁵ Instead, the New York Giants made the decision to hire Brian Daboll and disclosed that decision to third parties including Bill Belichick, Head Coach of the New England Patriots, and former boss to both Flores and Daboll, who mistakenly congratulated Flores confusing the two different Brian's.¹⁶ This was all happening before the Giants were scheduled to still interview Flores, and when Brian Flores was misleadingly led to believe he actually had a chance at this job. Thus, on Wednesday, January 26, 2022, Brian Flores had to give an extensive interview for a job that he already knew he would not get knowing the Giants were already going to go with Daboll. An interview that took place for no other reason but to allow the Giants to "check a box" and falsely demonstrate to the NFL that they are following the Rooney Rule.¹⁷ Amazingly this is not the first time Brian Flores was part of a "sham" interview in order to satisfy the conditions of the Rooney Rule.

In 2019 Brian Flores was scheduled to interview with the Denver Broncos. However, the Broncos' then-General Manager, John Elway, President and Chief Executive Officer Joe Ellis and others, showed up an hour late to the interview.¹⁸ The lack of substance in the interview,

¹³ Anderson, "The White Space," 13.

¹⁴ *Flores v. The National Football League*, Case 1:22-cv-00871, 6.

¹⁵ *Ibid.*, 6.

¹⁶ *Ibid.*, 7.

¹⁷ *Ibid.*, 39.

¹⁸ *Ibid.*, 8.

such as limited questions, made it clear that Flores was interviewed only because of the Rooney Rule, and that the Broncos never had any intention to consider him as a legitimate candidate for the job.¹⁹ Shortly thereafter, Vic Fangio, a white man, was hired to be the Head Coach of the Broncos. Brian Flores had uncovered what the Giants and the rest of the NFL had hoped to keep hidden, the exploitation of Black coaches in order to satisfy the Rooney Rule requirements. Flores now brings this Class Action Complaint to shine a light on the racial injustices that take place inside the NFL. But these experiences that Brian Flores has is not just unique to him, rather, through personal accounts of others and reports done by media pundits they are part of the Black experience of being a coach in the NFL.

Every year the Black College Football Hall of Fame, which has worked with the NFL since 2018 holds an annual Quarterback Coaching Summit. In 2022 the event had close to 100 coaches from the college and NFL and had participation from 22 NFL teams.²⁰ The summit has focused on coaches on the offensive side of the ball, namely Offensive Coordinators (OC) and Quarterbacks' Coaches because that is where 70% of the new head coaching hires have come from in the last three seasons.²¹ Nearly 40% of head coaches hired from the 2009-10 season through the 2018-19 season were OCs, and 91% of the coaches hired as OCs in that same time frame were white.²² James "Shack" Harris was the first Black quarterback in NFL history to start and win a playoff game and the first to play in the Pro Bowl, he is a co-founder of the Black College Football Hall of Fame. During the 2022 summit, he addressed the lack of

¹⁹ *Flores v. The National Football League, Case 1:22-cv-00871*, 8.

²⁰ Scott Stump, "Most NFL Players Are Black. So Why Aren't There More Black Head Coaches?," *NBC News*, September 15, 2020, <https://www.nbcnews.com/news/nbcblk/most-nfl-players-are-black-so-why-aren-t-there-n1240131>.

²¹ *Ibid.*

²² *Ibid.*

the Texans planned to get rid of Smith.²⁸ Lovie Smith was fired just hours after beating the Indianapolis Colts in the season finale costing the Texans the number one overall draft pick. The decision meant the Texans were one-and-done with two Black head coaches, which led to the criticism of the organization for not giving Smith and David Culley, who was fired the year prior, a fair go. The NFL introduced the Rooney Rule to try to increase the number of minorities hired in head coach, general manager, and executive positions. But neither Smith nor Culley had much hope of achieving any success in their first seasons at Houston before being fired.

Speaking on ESPN's 'First Take', Stephen A. Smith went on to say about the Houston Texans, "African Americans need not apply. This is not an organization that has been fair to African Americans."²⁹ There is also no guarantee for coaches, Black or white, that ownership will retain you if they feel that there is a better option. Black coaches, however, have to get the opportunity first and this is not happening due to "token" interviews.³⁰ But after securing the elusive title of Head Coach they still need; infrastructure, support from the front office, the ability to hire the staff they need, and be allotted the opportunities that some of the white coaches have in terms of time to build a program. Once they are allowed to get their foot in the door, it is even more difficult to remain. For the 2023 season the Houston Texans have hired DeMeco Ryans, a first-time Black Head Coach, he will be the third black coach hired in three seasons by the Texans.

JIM CALDWELL

The Detroit Lions team is another organization being accused of "sham" interviews.

²⁸ Young, "An Embarrassment and Atrocity."

²⁹ Ibid.

³⁰ Token interviews are in reference to sham interviews it is used by the media as a play on the reference "token black guy." Token black guy is a black character deliberately featured in a show or movie for the sake of racial diversity. See Jonathan Byron and Tony Perrello, "From Tragedy To Horror: Othello and Get Out," in *Jordan Peele's Get Out*, ed. Jawn Keetley, Political Horror (Ohio State University Press, 2020), 23–35, <http://www.jstor.org/stable/jj.2131182.4>.

Teryl Austin, the Lions' Defensive Coordinator (DC) in 2014-17, was one of two in-house candidates and two minorities who interviewed for the head coaching job after Jim Caldwell was fired following the 2017 season. At the time, the Rooney Rule required NFL teams to interview at least one minority candidate for head coaching vacancies. Caldwell went 36-28 in four seasons with the Lions. Becoming their first coach with a winning record since the 1970s.³¹ He led the organization to two playoff appearances, including an 11-5 record in 2014 the franchise's best since 1991, but was let go two years after the Lions fired general manager Martin Mayhew and president Tom Lewand at midseason.³² In a season in which Caldwell posted a 9-7 record. Martin Mayhew's replacement, Bob Quinn, hired his former colleague with the New England Patriots, Matt Patricia, as a coach. Patricia went a combined 9-22-1 in the last two seasons and was retained in 2021.³³ The Lions have gone 17-46-2 since Caldwell's dismissal and have had four straight losing seasons. Austin's agent, Eric Metz, told The Associated Press "Bob Quinn knew he was hiring Matt Patricia and used Teryl to comply with the Rooney Rule...(This) didn't work out well for the Lions. They never should've fired Jim Caldwell."³⁴ Since 1990, Black coaches have been twice as likely as others to be fired after leading a team to a regular season record of .500 or better.³⁵ There is cause to believe that there is a double standard for Black Coaches who want to become head coaches. They are not given the same margin for error as their white counterparts. Part of the reason that Brian Flores filed this class action lawsuit is so that others will join him in standing up against the systematic racism in the NFL. Two Black coaches; Ray Horton and Steve Wilks, joined Brian Flores's lawsuit echoing Flores's allegations that the

³¹ Dave Birkett, "Agent: Detroit Lions Had Sham Interview with Teryl Austin in 2018," *Detroit Free Press*, February 3, 2022, <https://www.freep.com/story/sports/nfl/lions/2022/02/03/detroit-lions-teryl-austin-interview-rooney-rule-jim-caldwell/6647135001/>.

³² Ibid.

³³ Stump, "Most NFL Players Are Black."

³⁴ Birkett, "Agent: Detroit Lions Conducted Sham Interview."

³⁵ Sheinin et al, "How the NFL Blocks Black Coaches."

league showed bias against Black coaches with “sham” interviews and the idea the Black coaches are “bridge coaches.”³⁶

STEVE WILKS

Steve Wilks, who was fired after one season as head coach of the Arizona Cardinals claims that the Cardinals hired him as a “bridge coach,” or a temporary placeholder in order to then land the organization’s number one target. This is used mainly when a potential candidate may be held up due to prior contractual agreements. In 2018 Steve Wilks argued he was not given any meaningful chance to succeed under a general manager, Steve Keim, who “made poor personnel decisions.”³⁷ Keim was charged and pleaded guilty to a DUI in 2018.³⁸ Instead of getting fired, Keim remains in his role as the franchise’s general manager. The Cardinals finished with a 3-13 record that season. Wilks was fired before the team drafted quarterback Kyler Murray as the No. 1 overall pick in 2019. Kliff Kingsbury, who is white and had no NFL coaching experience, was hired from Texas Tech University to replace Wilks.³⁹ Wilks argues that the Cardinals did not have long-term plans for him as the team’s leader. In 2022 Kliff Kingsbury was fired and Steve Keim is on a medical leave of absence. After the 2018 season, Steve Wilks jumped to a number of different places. In 2022 he took over the Panthers as interim coach after Matt Rhule was fired with a 1-4 record this is after adding his name to the class action lawsuit. Carolina showed noticeable improvement under Wilks' leadership. The DC helped lead the

³⁶ Kevin Valkenburg, “Two More Coaches Join Flores’ Suit against NFL.” *ESPN.com*, April 7, 2022. https://www.espn.com/nfl/story/_/id/33690172/steve-wilks-ray-horton-join-brian-flores-lawsuit-nfl-teams-alleging-racism-hiring-practices.

³⁷ Ken Belson, “Two Black Coaches Join Brian Flores’s Lawsuit Against the N.F.L.,” *The New York Times*, April 7, 2022, sec. Sports, <https://www.nytimes.com/2022/04/07/sports/football/nfl-discrimination-ray-horton-steve-wilks.html>.

³⁸ Ibid.

³⁹ Ibid.

Panthers into playoff contention, going 6-6 in 12 games.⁴⁰ Wilks left the Panthers when they announced that they will be hiring former Head Coach of the Indianapolis Colts Frank Reich as their next Head Coach. His lawyer Doug Wigdor who is also the lawyer for the class action lawsuit overall released a statement saying, “There is a legitimate race problem in the NFL.”⁴¹ Wilks has sued the Cardinals for firing him after one year. Given the content of Wigdor's statement, Wilks likely will be suing the Panthers as well.

Steve Wilks said in a statement why he chose to join the lawsuit saying the “decision was made to help pave the way for the next generation of talented minority coaches and executives to finally be given an equal opportunity and level playing field.”⁴² When Wilks joined Flores’s lawsuit, he documented his own involvement with the league regarding its hiring practices. By adding his name, he establishes that the experiences of Brian Flores are a reality for a lot of Black coaches in the NFL. In response to the lawsuit, the Arizona Cardinals released a statement saying, “the decisions we made after the 2018 season were very difficult ones. But as we said at the time, they were entirely driven by what was in the best interests of our organization and necessary for team improvement. We are confident that the facts reflect and demonstrate that these allegations are untrue.” Steve Wilks is a living testimony that the cards are stacked against Black coaches in the NFL.⁴³ Consistently owners and organizations that make decisions in regard to hiring NFL Head coaches perpetuate the idea that Black candidates are not qualified for the job. They may be capable but only on an interim basis. There is constantly the belief that

⁴⁰ Kevin Patra, “Steve Wilks ‘disappointed but Not Defeated’ after Not Getting Panthers’ Head Coaching Job,” NFL.com, accessed February 23, 2023, <https://www.nfl.com/news/steve-wilks-disappointed-but-not-defeated-panthers-head-coaching-job-reich>.

⁴¹ Mike Florio, “Statement from Steve Wilks’ Lawyer Is Also a Warning to the Cardinals on Brian Flores,” *ProFootballTalk* (blog), January 27, 2023, <https://profootballtalk.nbcsports.com/2023/01/27/statement-from-steve-wilks-lawyer-is-also-a-warning-to-the-cardinals-on-brian-flores/>.

⁴² Belson, “Two Black Coaches Join Brian Flores’s Lawsuit Against the N.F.L.”

⁴³ Babb, Golden, and Maske, “The Brian Flores Experience?”

there is a candidate that would be a better fit for the job, this is why Steve Wilks is suing the Arizona Cardinals as they treated him as a “bridge coach.” Ray Horton on the other hand was treated as another “token” interview to satisfy the Rooney Rule.

RAY HORTON

In the amended complaint, Ray Horton alleges the Titans conducted a “sham” interview with him for their head coach vacancy in January 2016 when the team had already decided to hire Mike Mularkey. At the time, Horton was the Titans’ DC, and Mularkey, who is white, was the team's interim head coach. Ray Horton alleges that his interview for the team's head-coaching position was conducted so the Titans could make it appear that they had complied with the Rooney Rule and had “given an equal opportunity to Black candidates” before announcing the “pre-made decision to hire (Mularkey) as head coach.”⁴⁴ The complaint goes on to cite a 2020 podcast interview in which Mularkey, who said he regretted the process that led to him becoming the Titans’ head coach. Mike Mularkey admits, “I allowed myself at one point when I was in Tennessee to get caught up in something I regret, and I still regret it, but the ownership there, Amy Adams-Strunk and her family came in and told me I was going to be the head coach in 2016 before they went through the Rooney Rule.”⁴⁵ Mularkey goes on to say how he regrets that he was the head coach in 2016 as the organization went through a fake hiring process when he knew that the candidates that interviewed had no chance of getting the job.⁴⁶ Horton said in a statement he was “devastated and humiliated” when he learned that his interview with the Titans

⁴⁴ Ken Belson, “Former HC Steve Wilks, Former NFL Assistant Ray Horton Join Brian Flores in Amended Class-Action Lawsuit; New Allegations against Cardinals, Titans, Texans,” The New York Times, April 7, 2022, <https://www.nfl.com/news/former-hc-steve-wilks-former-nfl-assistant-ray-horton-join-brian-flores-in-amend>.

⁴⁵ Ibid.

⁴⁶ Ibid.

was a “sham.” Horton’s purpose for joining the case was expressed when he said, “I am hoping to turn that experience into a positive and make lasting change and create true equal opportunity in the future.”⁴⁷ In a statement, the Titans defended their search process for a new head coach in 2016:

Our 2016 head coach search was a thoughtful and competitive process fully in keeping with NFL guidelines and our own organizational values... We conducted detailed, in-person interviews with four talented individuals, two of whom were diverse candidates. No decision was made, and no decision was communicated, prior to the completion of all interviews. While we are proud of Our Commitment to Diversity, we are dedicated to continued growth as an organization to foster diversity and inclusion in our workplace and community.⁴⁸

Often times in these situations Horton, Flores, and other Black coaches are given calls by the general manager to inform them that the team owner “felt more comfortable” with the other candidate.⁴⁹ And even in the cases where minority coaches are hired, they are put on a “shorter leash” and are given less leeway (and at times not any at all) for an organization’s subpar performance.⁵⁰ But these barriers to entry are not only promoted by the owners. Other members of upper management assist in perpetuating a lack of mobility for Black coaches.

Mobility Barriers

Those with the ultimate say on hiring at leadership positions in the NFL are the owners, and only two of them are not white, Buffalo Bills co-owner Kim Pegula, who is Asian American, and Jacksonville Jaguars owner Shahid Khan, who is Pakistani American. But it is not as if connections with owners are the only way to eventually be considered a head coaching

⁴⁷ Belson, “Former HC Steve Wilks, Former NFL Assistant Ray Horton Join Brian Flores.”

⁴⁸ Ibid.

⁴⁹ Sheinin et al, “How the NFL Blocks Black Coaches.”

⁵⁰ Babb, Golden, and Maske, “The Brian Flores Experience?”

candidate. Active head coaches are mostly required to fill their staffs and as mentioned earlier certain positions are advantageous to becoming a future head coach. However, head coaches have often decided not to promote Black coaches to high-level assistant jobs that could position them to one day be head coaches.⁵¹ There have been 16 Black men who have become full-time head coaches after Tony Dungy, five served as assistants under him, and a sixth, Steve Wilks, was an assistant under one of his proteges Lovie Smith.⁵² NFL coaching trees are common in the League and many Head Coaches can trace their lineage of being an assistant back to a single coach, similar to a family tree.⁵³ Super Bowl MVP and Black College Football Hall of Fame co-founder Doug Williams spoke on a conference call to reporters in June about the impetus for owners to step in. “Somewhere along the lines, the owners have to play a part in this and make the head coaches realize, you can’t hire all your buddies just because you know them... because there’s some talent out there that you might be overlooking, and a lot of that talent is in this minority pool that we have here.”⁵⁴ This would be hypocritical for the owners since they are guilty of this same behavior. Michael Lombardi, who was an executive with four teams around the league and once wrote a consulting report on the qualities that make a successful head coach, believes the roadblocks faced by Black Coaches stem in part from the fact that so many owners don’t know how to identify leaders.⁵⁵

Hall of Fame running back LaDainian Tomlinson, now a special assistant to ownership

⁵¹ Stump, “Most NFL Players Are Black.”

⁵² Sheinin et al, “How the NFL Blocks Black Coaches.”

⁵³ Adam Kilgore, “NFL Coaching Trees: Mapping the Roots and Influences of Every Active Head Coach,” Washington Post, accessed February 22, 2023, <https://www.washingtonpost.com/graphics/2018/sports/nfl-coaching-trees-connecting-every-active-coach/>.

⁵⁴ Stump, “Most NFL Players Are Black.”

⁵⁵ Sheinin et al, “How the NFL Blocks Black Coaches.”

for the Los Angeles Chargers, said:

I really think there's a disconnect (between) the owners and the kind of culture that is Black folks, not understanding the way Black folks communicate, the mannerisms, the expressions... We hear owners say all the time, 'Oh, I connected with this (White) candidate because they reminded me of myself.' If we can't get past that (mindset with) coaches who don't look like you or talk like you or come from the same background, they'll never get a chance.⁵⁶

The frustration with the Rooney Rule since its inception has been that Black coaches and potential GMs only get “token” interviews to fulfill the rule but have no real shot of landing the job. On a larger scale, this is not a new issue. It has to do with the “endurance of the color line” that has persisted since the abolition of slavery in the United States.⁵⁷ In a speech, W.E.B Du Bois proclaimed:

The problem of the twentieth century is the problem of the color line, the question as to how far differences of race—which show themselves chiefly in the color of the skin and the texture of the hair will hereafter be made the basis of denying to over half the world the right of sharing to utmost ability the opportunities and privileges of modern civilization.⁵⁸

Black people that aspire to one day hold a leadership or upper-level position have to go through barriers in order to do so. It takes constant effort and an acknowledgment of racism in order to facilitate results. A point of emphasis has been having more offseason events where Black coaches can network with decision-makers, considering many owners and general managers hire coaches they have met in informal settings and have built relationships with. Doug Williams said:

It's all right to have your buddies, but you're leaving a lot of good coaches out there by

⁵⁶ Sheinin et al, “How the NFL Blocks Black Coaches.”

⁵⁷ Soya Jung, “The Endurance of the Color Line,” *Othering and Belonging* (blog), April 28, 2017, <http://www.otheringandbelonging.org/endurance-color-line/>.

⁵⁸ W. E. B. Du Bois and Shawn Leigh Alexander, “Of the Dawn of Freedom.” In, *The Souls of Black Folk: Essays and Sketches*, 13–39. University of Massachusetts Press, 2018, 39.

bringing your buddy along. We all know this is a family league, and most of the minorities are not in the clique with most of the coaches that are hired, and it's hard to get in there. That's part of our biggest problem ... coaches hire the guys they hang out with, play golf with, drink with, eat with, or what have you, and we get left out in a lot of cases.⁵⁹

There have been many suggestions about breaking down the barriers that Black coaches have to navigate. But the individuals already in positions of power need to be held accountable and honest efforts need to be made towards establishing “a cultural norm of opportunity for all.”⁶⁰

Satya R. Pattnayak and John Leonard revisit Loy and McElvogue's study on positionality or "stacking" which was inspired by Grusky's theory of formal structure as it relates to baseball. They find that Blacks occupy the least central positions (outfield), whites the most central (pitcher/catcher), and Hispanics the middle (infield).⁶¹ The "stacking" along these lines constitutes inadequate training opportunities for Blacks, in that their distance from leadership positions hurts post-career opportunities.⁶² Moreover, they conclude that this type of segregation might lead to negative stereotypes about racial minorities, such as Blacks may lack the "necessities" for managerial or front-office responsibilities.⁶³ To apply this to football, “Black positions” are not considered leadership and thinking positions. A playing career in a non-leadership role is therefore assumed to be inadequate training for a career in coaching.⁶⁴ NFL ownership reinforces this type of stacking, where Blacks have reached the point where they are allowed to play every position on the field, and coach at the coordinator level, but they are not given the opportunity to be the faces of the franchise. Affirmative action, therefore, becomes

⁵⁹ Stump, “Most NFL Players Are Black.”

⁶⁰ “NFL Releases 2022 Diversity and Inclusion Report | NFL Football Operations.”

⁶¹ Jeffrey T. Sammons, “‘Race’ and Sport: A Critical, Historical Examination,” *Journal of Sport History* 21, no. 3 (1994): 203–78. 275.

⁶² Sammons, “Race and Sport,” 275.

⁶³ *Ibid.*, 275.

⁶⁴ More in Chapter 1 about specific position stacking in football.

necessary to bridge this gap. Author, Cynthia Dubois, implies that the NFL is using a “soft” form of affirmative action, rather than changing criteria during the hiring process the NFL is attempting to change the candidate pool.⁶⁵ Sports scholarship can be used to combat those who support the myth of meritocracy and who reject the necessity of affirmative action.⁶⁶ Edwin B. Henderson, author of *The Negro in Sport*, counters racists views by concluding,

Black achievement under affirmative action produces feelings of resentment among the majority group and self-doubt and insecurity among those beneficiaries lose much of their force when the record in sport reveals discrimination against and resentment towards even those who clearly outperform members of the majority group.⁶⁷

The conclusion can be made that without affirmative action, qualified Blacks would not get opportunities and would be resented anyway for being in positions and places where people such as NFL owners believed they did not belong.⁶⁸ This sentiment is reflected in Black coaches asking for opportunities not based on networking, connections, and other forms of social capital, but they are asking to be given chances based on experience and knowledge. These forms of capital are obtainable to them without needing to explicitly gain access to white spaces.

Since the first Diversity and Inclusion Coaching Mobility Report in 2013, it has been noted that the NFL has led the sports industry by intentionally hiring a diverse and inclusive workforce, they have also been accredited for increasing opportunities for minority coaches.⁶⁹ In some aspects, there has been recent improvement such as five of the last six GM hires being

⁶⁵ Dubois, “The Impact of Soft,” 209.

⁶⁶ Sammons, “‘Race’ and Sport,” “Race and Sport,” 276.

⁶⁷ Ibid., 276.

⁶⁸ Ibid., 276.

⁶⁹ “NFL Releases 2022 Diversity and Inclusion Report | NFL Football Operations.”

black.⁷⁰ But progress is not equivalent to change. Troy Vincent, NFL Executive Vice President of Football Operations said, "The process is broken. We have exhausted ourselves with programs and initiatives . . . We don't have a resource issue. This is a willingness and heart issue. You can't force people, so we have to continue to educate and share with those in the hiring cycle."⁷¹ There must be ongoing and persistent steps in order to break the barriers that are in place for Black coaches. Policy by itself is not enough to amend the deep-rooted issues of implicit bias and structural racism that exists in the NFL. Brian Flores, Steve Wilks, and Ray Horton the class action lawsuit against the NFL involves personal sacrifice in order to serve the greater good. How likely are changes to occur based on the validity of their argument?

The legal complaint claims systematic racial discrimination in hiring coaches and other personnel. In addition to the texts from New England Patriots Coach Bill Belichick, the evidence offered is the disparity between the players, who are 70 percent Black, and the head coaches, who are overwhelmingly white. Are the statistics of player diversity compared to coaches enough to be incriminating? A counter could be that NFL players don't make up the entire pool of potential coaches. But by closely examining who's in the pool there is a pro-White bias evident in the league's most recent hiring.⁷² The Flores legal complaint makes this argument claiming the contrast between the overwhelmingly Black players and mostly White coaches are "not by chance. Rather, the statistics . . . are the result of race discrimination."⁷³ Between February 2021 and February 2022, 10 people have been hired as NFL head coaches. Eight of them are white. The categories for all 10 of these hires consist of OCs, DCs, and recently fired

⁷⁰ Morris, "Here Are All The Black Executives And General Managers In The NFL."

⁷¹ "NFL Releases 2022 Diversity and Inclusion Report | NFL Football Operations."

⁷² Bethany Lacina, "Analysis | Nearly All NFL Head Coaches Are White. What Are the Odds?," *Washington Post*, February 7, 2022, <https://www.washingtonpost.com/politics/2022/02/07/nfl-racial-bias-flores-coaches/>.

⁷³ Ibid.

head coaches. That pool was between 70 and 80 percent white.⁷⁴ If the hiring process did not favor White candidates, the chances of hiring eight white people from that pool is only about one in four.⁷⁵ But this is not really a defense the NFL owners can use since that pool reflects the league's own hiring practices. However, Flores's complaint suggests that NFL veterans are often members of the hiring pool for NFL coaches is not quite accurate.⁷⁶ In fact, only about a third of NFL head coaches ever played in the league.⁷⁷ Most NFL head coaches do have a background playing NCAA college football. Of the 32 head coaches who started the 2021 season, 30 played in the NCAA, and 27 played in Division One.⁷⁸ College football players are a more accurate benchmark for the pool of plausible NFL coaches because college is the last shared step on the path to NFL head coach that is not under the NFL's control.

Among NFL head coaches in 2021-2022, 14 are young enough to have played in the NCAA since 1999, when that organization started publishing the demographics of its student-athletes.⁷⁹ Flores is included in this group where he is also the only person of color. These 14 coaches come from the cohort of NCAA football players who played between 1999 and 2007, was a group who were 60 percent White and 30 percent Black.⁸⁰ Division One players in the same year were 49 percent White and 44 percent Black.⁸¹ A conclusion that can be drawn is that of the 14 NFL coaches, a 92 percent white group, is not racially representative of their cohort. If NFL hiring were race-neutral, there would be just a 3 percent chance that only one Black person

⁷⁴ Lacina, "Nearly All NFL Head Coaches Are White."

⁷⁵ Ibid.

⁷⁶ Flores v. The National Football League, Case 1:22-cv-00871, 28.

⁷⁷ Lacina, "Nearly All NFL Head Coaches Are White."

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

would be among those 14 coaches.⁸² The odds that only one of the 14 would be a person of color are 100 to one.⁸³ Around 2001 the NFL was accused of racial discrimination in its selection of head coaches. The league's response was the "Rooney Rule, the statistics used here mostly came from reports and studies commissioned by NFL owners in an effort to be seen as committed to diversity.⁸⁴ Nonetheless, hiring data from the Rooney Rule era suggests that these may not have been genuine efforts. If NFL hiring had no pro-White bias, the chances that it would have so many new, White NFL head coaches would be slim to none.

Flores was let go in January of 2022, despite having prior back-to-back winning seasons, and he has been rejected for jobs with other teams, on top of this Black coaches have long complained that they get called for interviews just to comply with the rule and are not hired. In a statement, the NFL said the suit was "without merit."⁸⁵ The Gazette spoke to Khalil Gibran Muhammad, Ford Foundation Professor of History, Race and Public Policy at Harvard Kennedy School and director of the Institutional Antiracism and Accountability Project, about the lawsuit and why so many companies have not made greater strides around diversity. He stressed the importance of evidence being publicly disclosed.⁸⁶ He also notes that people have to dig into court proceedings to know that a lawsuit has occurred in the first place.⁸⁷ In Flores' case, it is evident that he, Ray Horton and Steve Wilks, and their legal team see this as an opportunity to structurally change the way the NFL operates. There have not been a lot of Black football

⁸² Lacina, "Nearly All NFL Head Coaches Are White."

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Christina Pazzanese, "Examining Brian Flores' Bias Suit against NFL," *Harvard Gazette* (blog), February 17, 2022, <https://news.harvard.edu/gazette/story/2022/02/examining-brian-flores-bias-suit-against-nfl/>.

⁸⁶ Ibid.

⁸⁷ Ibid.

coaches, but the extent that they have faced these kinds of challenges is significant.

The NFL is a unique actor as a small monopoly of owners who can essentially agree to set certain rules that fall within their rights as corporations.⁸⁸ And so, they do have monopoly power, to a certain extent, over how they govern themselves in ways that aren't true with competitive firms as standalone firms.⁸⁹ The weight of this lawsuit means that 32 firms are acting in bad faith by implication.⁹⁰ The absence of Black leadership, managerial leadership, and coaching leadership in an industry with 70 percent Black players are thoroughly documented. So yes, the numbers do speak for themselves, and the history of the league speaks for itself. However, even with that history, with those numbers, we still live in a society where you can line up all the evidence and still people walk away and say, "It's a meritocracy. Brian Daboll (who was recently hired by the New York Giants over Flores) is the better coach. They had every right to pick whom they wanted. It's a free country. They're private employers."⁹¹ And society moves on. Evidence is not always efficient in changing behavior.⁹² A workaround to this would be coming up with sanctions that matter. Teams will operate how they wish unless it affects them and their bottom dollar. Hefty fines or more likely forfeiture of draft picks and potential diminished cap spending could be effective.⁹³ Owners all have money to pay fines, but they are less likely to want to deal with a lost draft pick and/or less money to spend on players as it means a competitive disadvantage for their team.⁹⁴ And ultimately if these penalties do not serve to ensure a good-faith effort is being put into "developing a deep, sustainable talent pool at all

⁸⁸ Pazzanese, "Examining Brian Flores' Bias Suit against NFL."

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Andrew Brandt, "Business of Football: Explaining Brian Flores's Lawsuit," *Sports Illustrated*, accessed December 15, 2022, <https://www.si.com/nfl/2022/02/02/business-football-explaining-brian-flores-lawsuit>.

⁹⁴ Ibid.

levels of the organization” then owners should be held accountable with involuntary termination being an option.⁹⁵

The class action complaint of Brian Flores v. The National Football League claims that he and other Black coaches are held to hire standard, rejected, or not considered at all for head coaching and other leadership positions in the NFL. As far as the actual court case and its legitimacy the most damaging allegation is the charge that in 2019, Ross tried to incentivize Flores to deliberately lose games, with a supposed \$100,000 payment per loss. Further, the suit alleges that Flores was told by Chris Grier, the team’s general manager, that Ross was “mad” at Flores for “compromising the team’s draft position.”⁹⁶ The NFL, like a lot of leagues, has embraced sports betting, having to walk a fine line to guard against breaches of integrity.⁹⁷ Now Ross, one of the league’s owners has allegedly committed a massive breach of integrity. This is reason enough for the lawsuit to be heard in public proceedings and avoid private employer-imposed arbitration systems but there is something deeper at stake.

The suit was filed on the first day of Black History Month in 2022 and is rife with racism allegations and terms such as “slavery” and “plantation.” Also, worth mentioning is the importance of life with concussions and most recently the cardiac arrest of Demar Hamlin. It details the race-norming controversy from the NFL concussion settlement among other allegations of league bias. Through Brian Flores and other Black coaches’ personal accounts evidence of “sham” interviews in order to fulfill the NFL’s Rooney Rule are apparent. Regardless, if a Black coach is on the path and following trends to become a Head Coach his

⁹⁵ “NFL Releases 2022 Diversity and Inclusion Report | NFL Football Operations.”

⁹⁶ Brandt, “Business of Football.”, “Explaining Brian Flores’s Lawsuit.”

⁹⁷ Pazzanese, “Examining Brian Flores’ Bias Suit against NFL.”

road can be increasingly more difficult than that of his white counterparts. Even after the end goal of being a Head Coach is achieved regardless of success there is no guarantee that a Black coach will be retained, and after being fired it is unlikely that they will ever get that chance again.⁹⁸ What is significant is the overwhelming participation of activities and conversations of many different members of the NFL; coaches, ex-coaches, GMs, ex-players, and media pundits have offered their stories and opinions. The charge of systemic racism is a strong one. Regardless of the Rooney Rule's existence, there would still be racism in the NFL and its hiring process. Flores' class-action lawsuit builds on Colin Kaepernick's years-long protest of racism, which many believe shifted the league's culture of silence.

⁹⁸ Babb, Golden, and Maske, "The Brian Flores Experience?"

Conclusion

The Rooney Rule is the first policy of its kind introduced to sports. Its purpose was to ensure that minority coaches, especially African Americans, would be considered for high-level coaching positions. Fritz Pollard was the first minority head coach in NFL history during the 1920s and by the time the rule was implemented, only Tom Flores, Art Shell, Dennis Green, Ray Rhodes, Tony Dungy, and Herman Edwards had ever held head coaching jobs.¹ But what is important is that inequality would still exist regardless of the implementation of the rule due to the structural racism in the NFL. The fact that NFL owners are the absolute leaders in charge of assigning who is the face of the franchise, as well as who is qualified, their own persistence of whiteness prevents them from approaching hiring with a meritocracy. The current hiring system has become who has the “It” factor, and that “It,” is whiteness the unconditional ability to be seen as a leader and competent. Until owners are held to the same expectations-in reflecting diversity and accountability for their actions- of head coaches and remove the barriers that make the hiring process less about merit, Brian Flores and others will never get an “equal playing field.”

The Conversation at Large

We are in the middle of an overdue National conversation around systemic racial bias and inequality. This current reckoning has forced companies, large and small, to contend with

¹ Mike Freeman, “Art Shell Reflects on Becoming NFL’s 1st Black Head Coach in Modern Era,” Bleacher Report, accessed April 24, 2023, <https://bleacherreport.com/articles/2216541-25-years-later-art-shell-reflects-on-becoming-the-nfls-first-black-head-coach>.

their own diversity, and many firms have identified that they are lacking.² #BlackLivesMatter. #MeToo. #StopAAPIHate. These are just some of the recent movements that have compelled Americans to reflect on the social injustices that exist in our country today. The scrutiny of these social issues has trickled down to the professional world. Employees discuss the discrimination they experience in the workplace and as a result, executives are scrambling to improve their organization's hiring practices and company culture.³ This has led to the rapid expansion of corporate diversity, equity, and inclusion (DEI) programs. DEI, which was once seen as a sub-component under the human resources department, has now evolved into a core business function that large and small businesses alike have been aggressively investing in.⁴ Despite COVID-19's effects on the U.S. economy, the number of DEI-related job postings increased by 123% between May and September of 2020.⁵ There are concerns with the rapid growth of DEI mainly concerning its longevity. As aforementioned, social pushes for societal reform played a large role in driving this change. Specifically, the recent boom of the DEI industry coincides with current social movements.⁶ Besides societal expectations, firms also have a financial incentive to invest in improving diversity. A thorough 2015 article by McKinsey & Company found that businesses that rank in the top quartile for racial and ethnic diversity are more likely to have financial returns above industry medians.⁷ As such, investing in DEI programs is in the business's best interests which should help contribute to the sustainability of DEI.

² Judd Kessler and Corinne Low, "Research: How Companies Committed to Diverse Hiring Still Fail," *Harvard Business Review*, February 11, 2021, <https://hbr.org/2021/02/research-how-companies-committed-to-diverse-hiring-still-fail>.

³ Sarah Dong, "The History and Growth of the Diversity, Equity, and Inclusion Profession," Global Research and Consulting Group Insights, June 2, 2021, <https://insights.grcglobalgroup.com/the-history-and-growth-of-the-diversity-equity-and-inclusion-profession/>.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

An Update

As a result of being found guilty of tampering by the NFL, the Dolphins are going to be without a first-round pick in the 2023 draft.⁸ The tampering involving Tom Brady occurred at two different time periods, and while he was not identified by name it is pretty clear the first instance was alleged in Flores' lawsuit as occurring in the winter of 2020. Brian Flores is currently the Defensive Coordinator for the Minnesota Vikings, and his lawsuit against the NFL and three teams – the Denver Broncos, the New York Giants, and the Houston Texans, can proceed instead of going to arbitration, a federal judge said in February 2023.⁹ His case against the Miami Dolphins will go through arbitration the same is also true of co-plaintiffs Steve Wilks and Ray Horton, who joined the suit three months after the initial proposal. Judge Valerie Caproni issued the statement, “This case shines an unflattering spotlight on the employment practices of National Football League (“NFL”) teams. Although the clear majority of professional football players are Black, only a tiny percentage of coaches are Black.”¹⁰ The numbers are significant but coupled with personal accounts of those experiencing discrimination in the hiring process, the structural racism embedded within the NFL is revealed. Jeremi Duru author of, *Advancing the Ball: Race, Reformation, and the Quest for Equal Coaching Opportunity in the NFL*, a definitive book that in some ways influenced the creation of the Rooney Rule said that the complaint is a “watershed moment.”¹¹ Daru further comments, “What

⁸ Alain Poupart, “The Flores Lawsuit (And Its Fallout) One Year Later,” Sports Illustrated Miami Dolphins News, Analysis and More, February 1, 2023, <https://www.si.com/nfl/dolphins/news/the-miami-dolphins-and-the-brian-flores-lawsuit-one-year-later>.

⁹ Ibid.

¹⁰ Wayne Sterling and Alasdair Howorth, “Brian Flores’ Racial Discrimination Lawsuit against NFL and Multiple Teams Can Proceed, Judge Says | CNN,” CNN, March 2, 2023, <https://www.cnn.com/2023/03/02/sport/brian-flores-judge-lawsuit-nfl-spt-intl/index.html>.

¹¹ Jason Reid, “Brian Flores’ Lawsuit Shines a Brutal Light on the NFL’s Hiring Practices,” *Andscape* (blog), February 2, 2022, <https://andscape.com/features/brian-flores-lawsuit-shines-a-brutal-light-on-the-nfls-hiring-practices/>.

happened here is that you had two things that hadn't existed previously. One is allegedly incontrovertible evidence that the league's equal opportunity initiatives are being circumvented, evident with the allegations about the Giants. And two, somebody willing to stand up and take a huge career risk to become a plaintiff. ... It took a huge amount of courage from Brian Flores."¹² Regardless of whether Flores prevails in a court of law, and assuming the text messages are authentic, Flores has made it clear the NFL's hiring practices are unfair. Not only is the Rooney Rule not working but having the rule remain in place is offensive. The number of Black coaches being passed over is offensive. In other words, the NFL is saying that after interviewing these Black coaches none of them are qualified enough for the job. Flores and the others who joined his lawsuit have stood up to combat structural racism and one can hope that it brings about positive change for future generations.

This thesis has discussed the historical path that led to Brian Flores suing the NFL citing racism. It looks at the policy that is the Rooney Rule as a wide-encompassing and constantly evolving rule that consistently falls short with the passage of time. I think where we go from here is reflected in racial movements that are already happening. The key is visibility for these individuals who are seeking to join the ranks of NFL head coaches and upper management. It is on these individuals to continue to be pioneers and then pay it forward by also helping the next generation achieve similar and greater heights. The responsibility of NFL owners is to truly be critical of themselves and evaluate whether they are discouraging or reinforcing structural racism with exclusivity and their own persistence in whiteness. It is on the players who are 70% Black to continue to push for their own empowerment through self-advocacy as a collective and therefore give them a say as to whom they would like to be led by. It is also on the fans of the

¹² Reid, "Brian Flores' Lawsuit Shines."

NFL to hold the institution accountable for its commitment as we provide value to the league.

The media also plays a part in covering these issues and not reinforcing or suppressing the same racist rhetoric that is seen in the past. Thus, it takes a collective effort to bring about meaningful change and combat structural racism in the NFL's hiring process among leadership positions.

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