



Protecting and Promoting the  
**Health of NFL Players:**  
Legal and Ethical Analysis and Recommendations

# Chapter 18

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## Fans<sup>a</sup>



Fans are undoubtedly a central component to the NFL's success. Fans engage with NFL football and players in a variety of ways, including by watching on television, attending practices or games in-person, by gambling and playing fantasy sports, and through public events where fans might see or speak with players. These different fan experiences also shape the fan's interests and role in player health.

While in other chapters we provided the stakeholder an opportunity to review a draft of the relevant chapter(s) prior to publication, because there is no well-defined representative for fans, no one reviewed this chapter on behalf of fans prior to publication.

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<sup>a</sup> The portions of this work related to fans are the result of collaboration with Daniel Wann, Professor, Murray State University.

## (A) Background

Below we discuss two components of fandom that have connections to player health: (1) the level at which fans engage with the NFL; and, (2) gambling, an activity that presents particular legal and ethical concerns.

### 1) FAN ENGAGEMENT

NFL football is the most popular sport in America by a variety of measures.<sup>1</sup> Thirty-five percent of Americans consider professional football (*i.e.*, the NFL) their favorite sport, a number that is increasing yearly.<sup>2</sup> Fifty-five percent of Americans identify themselves as fans of the NFL.<sup>3</sup> According to ESPN, there are more than 85 million “avid” NFL fans—“more than a quarter of the nation.”<sup>4</sup> A mean of more than 68,000 people attend every NFL game.<sup>5</sup> NFL games are the most watched television programming: more than 20 million people watch the primetime broadcasts, triple the ratings of the major television networks.<sup>6</sup> The Super Bowl is the most viewed broadcast in television history, with approximately 45-percent of all households (about 53 million) tuning in annually.<sup>7</sup> And, not surprisingly, millions of fans also follow and engage with their favorite NFL clubs via social media.<sup>8</sup>

Indeed, NFL fans have strong psychological connections to their favorite clubs. Being a fan is a central component of their social identity,<sup>9</sup> and fans often have a stronger connection to their favorite club than their religion or alma mater,<sup>10</sup> or their favorite consumer brands such as clothing and food or beverage products.<sup>11</sup>

### 2) FANS AND GAMBLING<sup>b</sup>

A comprehensive analysis of issues in the NFL, including player health, is not complete without a discussion of gambling,<sup>c</sup> including fantasy sports.<sup>d</sup> The sports gambling

industry in the United States is vast and appears to have grown at an exponential rate since the 1970s.<sup>12</sup> The size of the legal college and professional football gambling market is limited to Nevada, Montana, and Delaware by virtue of the Professional and Amateur Sports Protection Act (PASPA), a 1992 federal statute that exempted a small number of states from a federal prohibition on sports gambling.<sup>13</sup>

The legal sports gambling market in Nevada saw, in total, \$3.9 billion wagered on sports in 2014, \$1.74 billion of which was on football (about 45 percent of the total).<sup>14</sup> In 2014, Nevada sportsbooks won \$113.73 million on college and professional football.<sup>15</sup> Delaware recently reported revenue associated with state licensed football pools of \$25.4 million.<sup>16</sup> The “Montana Sports Action,” a line of games related to fantasy football and racing, sold \$179,790 worth of tickets in 2013.<sup>17</sup> Although no monetary amounts are available, the *Houston Chronicle* reported that “the Super Bowl is by far the most wagered on event—legally and illegally—in the country.”<sup>18</sup>

Despite the above-referenced figures, illegal gambling still dwarfs legal gambling. In the United States, illegal gambling on professional sports has been estimated at \$80-\$380 billion annually.<sup>19</sup> If we assume the rate of illegal gambling on football matches Nevada’s 45-percent rate of legal gambling on football, one would estimate that there is as much as \$170 billion illegally gambled on football each year.<sup>20</sup> While likely off in its specifics, that estimate gives a rough sense of the magnitude of illegal NFL gambling that goes on.

The relationship between gambling and the NFL’s popularity is undeniable. As one current club owner recently said in reference to gambling, “our game is made for that.”<sup>21</sup> In testimony surrounding the 1999 National Gambling Impact Study (created at Congress’ behest), broadcaster Bob Costas stated “there is also no denying that the presence and prevalence of sports gambling benefits those leagues and benefits their television ratings.”<sup>22</sup> More recently, NFL commentator Mike Florio opined on the role of fantasy sports and NFL popularity:

*The unprecedented growth of pro football over the last 20 years has resulted in large part from the ascension of fantasy football. With free agency potentially undermining fan rooting interest in specific teams, the ability to cobble together a team of their own has expanded fan interest far beyond the teams they love and the teams they hate.*<sup>23</sup>

<sup>b</sup> The portions of this work related to gambling are the result of collaboration with Ryan Rodenberg, JD, PhD, Professor, Florida State University.

<sup>c</sup> For purposes of this report, gambling is defined broadly to include traditional sports gambling (point spreads, money lines, totals, prop bets, in-game wagering, etc.), and fantasy sports (season-long and daily). We acknowledge the ongoing debate about whether fantasy sports constitute gambling but believe it is appropriate to include them in the definition for our purposes. See, *e.g.*, Decision and Order, State of New York v. DraftKings, Inc., Index No. 543054/2015 (N.Y. Sup. Ct. Dec. 11, 2015) (enjoining daily fantasy sports operator from conducting business in New York).

<sup>d</sup> Although specific forms of fantasy sports have been exempted under the Unlawful Internet Gambling Enforcement Act of 2006 (“UIGEA”), see 31 U.S.C. §§ 5361–5367, many suggest that in reality there is no distinction between gambling and fantasy sports, see, *e.g.*, Robert Lipsyte, *Serving Sports Fans Through Journalism*, ESPN (Dec. 3, 2014), [http://espn.go.com/blog/ombudsman/tag/\\_/name/robert-lipsyte](http://espn.go.com/blog/ombudsman/tag/_/name/robert-lipsyte), archived at <http://perma.cc/5G2C-EPTB> (“The rise of gambling and fantasy leagues — some would argue often the same thing — will have social consequences that need to be monitored”); Joshua Brustein, *Web Sites Blur Line between Fantasy Sports and Gambling*, N.Y. Times, Mar. 11, 2013, <http://www.nytimes.com/2013/03/12/sports/web-sites-blur-line-between-fantasy-sports-and-gambling.html>, archived at <https://perma.cc/C6E5-5J3P?type=pdf>.

Gambling and player health have a long history. Following a 1960 incident in which a point spread<sup>24</sup> changed dramatically after publication of a photograph of Pittsburgh Steeler quarterback Bobby Layne's injured arm, the NFL instituted a policy requiring clubs to report player injury status during the week.<sup>25,e</sup> Former NFL security director Jack Danahy explained the purpose of the injury reports during a 1976 deposition:

*We have initiated a program in the [NFL] wherein we require each team to report injuries on Tuesdays, again on Thursdays, and then following Thursday, right up to the time of the game. We publicize these injuries. The purpose of making this information public—and it has been in existence probably as long as I have been in the league . . . is to foreclose the possibility of gamblers attempting to obtain or obtaining confidential information or obtaining information surreptitiously as to the condition of ballplayers. We want it out in the open so that no one can claim an unfair advantage.<sup>26</sup>*

For at least the last 50 years, the NFL has been concerned about the possibility of inside information about player injuries making its way into the hands of gamblers, who typically were involved in organized crime. In 1967, NFL assistant to the Commissioner in charge of gambling, William G. Hundley, wrote a letter to a federal probation officer on behalf of organized crime figure Gil Beckley as a result of Beckley's provision of NFL gambling-related information to Hundley.<sup>f</sup> Former NFL commissioner Pete Rozelle admitted in a 1976 deposition that inside information concerning injuries "could be construed as for gambling purposes."<sup>27</sup> Also during a 1976 deposition, NFL security director Jack Danahy stated: "There can be times when maybe there is a key injury and we will have four and five representatives calling in at the same time with point spread changes."<sup>28</sup> In 1977, the NFL admitted that

it "investigates at least one allegedly crooked game a week during a typical season."<sup>29</sup> Additionally, there have been reports of gamblers seeking to obtain information from NFL club doctors.<sup>g</sup>

In the United States, illegal gambling on professional sports has been estimated at \$80-\$380 billion annually.

## (B) Current Legal Obligations<sup>h</sup>

Generally speaking, fans have no legal obligations specific to their status as NFL fans. In other words, fans are generally obligated to treat (and avoid harming) players in the manner as they would any other individual.

Unfortunately, there have been several violent incidents between fans and athletes in a variety of sports over the years. Brawls occurred between Boston Bruins players and New York Rangers fans in 1980 (National Hockey League), and between Indiana Pacers players and Detroit Pistons fans in 2004 (National Basketball Association).<sup>30</sup> Fortunately (relatively speaking), in the NFL, fan and player violence has generally been limited to incidents of players and opposing fans trading snowballs.<sup>31</sup> However, during a 2014 joint practice between the Oakland Raiders and Dallas Cowboys, after players began to fight near fans, a Raiders fan swung a helmet at a Cowboys player, narrowly missing.<sup>32</sup>

While some of these incidents have resulted in criminal charges (typically assault or battery) for the fans and players,<sup>33</sup> there have been no criminal or civil proceedings that would demonstrate that fans have a legal obligation to players unique to the fan-player relationship.

e For more information on the NFL's Injury Reporting Policy, see Chapter 17: The Media.

f Letter from William G. Hundley to C.L. Williams, Probation Department, Miami, FL, April 20, 1967 ("[Beckley] offered, on a confidential basis, to furnish any information that came into his possession concerning the possibility of endeavors to corrupt professional football players, seek unauthorized information about players [sic] conditions, and supply any other information that might reflect adversely on the integrity of professional football."). A March 2, 1970 *Time Magazine* feature described Beckley as follows: "Handling as much as \$250,000 worth of bets daily, Beckley, 58, mastered all the tricks of his arcane trade: (i) wangling information from locker rooms; (ii) computing odds in his head; and (iii) occasionally bribing athletes." See also Adam Bernstein, *Lawyer William G. Hundley*, 80, Wash. Post, June 14, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/13/AR2006061301681.html>, archived at <http://perma.cc/7WZ6-5QHZ> (describing Hundley's role at the NFL).

g See Rob Huizenga, M.D., *You're Okay, It's Just a Bruise* 67–68 (1994) (former Los Angeles Raiders Club doctor explaining "'For the first time in my life I had information that people would pay money for. Big money.'")

h The legal obligations described herein are not an exhaustive list but are those we believe are most relevant to player health.

## ( C ) Current Ethical Codes

The only existing ethical codes for fans are stadium codes of conduct. In 2008, the NFL and its clubs began to implement codes of conducts for fans attending games.<sup>34</sup> The NFL's code requires fans to refrain from:

- Behavior that is unruly, disruptive, or illegal in nature.
- Intoxication or other signs of alcohol impairment that results in irresponsible behavior.
- Foul or abusive language or obscene gestures.
- Interference with the progress of the game (including throwing objects onto the field).
- Failing to follow instructions of stadium personnel.
- Verbal or physical harassment of opposing team fans.

Moreover, in 2012, the NFL began to require that any fan ejected from a stadium be required to take an online course on stadium conduct before being permitted back into an NFL stadium.<sup>35</sup> While these codes of conduct are not specific to the fan-player relationship, if followed, they would seemingly help to minimize the frequency of incidents between fans and players.

## ( D ) Current Practices

### 1 ) FAN ENGAGEMENT

Increased attention on football-related injuries has had an effect on fans. A 2014 Bloomberg Politics poll reported that 50 percent of Americans say they will not let their son play football.<sup>36</sup> Major news publications such as the *New York Times* and *Boston Globe* have questioned whether it is ethical to continue to watch football<sup>37</sup> or to let your kids play football.<sup>38</sup> Not surprisingly, between 2010 and 2012, Pop Warner, the country's largest youth football program, saw a 9.5-percent decrease in participation.<sup>39</sup> Although officials at Pop Warner have suggested a number of potential causes for the declining rates (e.g., a poor economy), they admitted that parent concerns about injuries was likely a key contributor to the drop in participation.<sup>40</sup> While other organizations have reported similar declines in participation,<sup>41</sup> the Sports & Fitness Industry Association (SFIA) actually found that participation in tackle football across all leagues and among individuals aged 6 and above increased from 2014 to 2015.<sup>42,i</sup>

Despite all of the scrutiny, fans have generally not been dissuaded from consuming NFL football. Many fans enjoy NFL football (and other physical sports) specifically because of its violent nature.<sup>43</sup> Moreover, in a 2014 *Sports Illustrated* poll, while 26 percent of fans reported being less interested in NFL football as a result of news stories regarding the long-term health risks of playing football, only 8 percent said they actually viewed fewer NFL games than they did two years ago.<sup>44</sup> In contrast, 36 percent of fans said they were watching more NFL games than they previously did.<sup>45</sup> Additionally, after the NFL's mishandling of domestic violence incidents during the 2014 season, only 11 percent of fans said they were less likely to watch as a result.<sup>46</sup>

Nevertheless, in the long term, decreased participation in youth football is likely to result in fewer future NFL fans. Research has frequently found that previous involvement in youth sport is one of the best predictors of interest in sport as a fan.<sup>47</sup> If fewer children participate in football because parents are hesitant to expose them to potential injury, a likely longitudinal consequence will be fewer adults interested in football as a fan years later (or at least less interested than they would have been had they played football).

The same dynamic is evident from older studies. A 1981 study found that fans rated football plays as more entertaining and enjoyable when the plays were violent in nature.<sup>48</sup> In a similar study, published in 1982, fans reported greater enjoyment of watching sport contests when the announcers focused on the hatred and violence between the two teams.<sup>49</sup> It has even been argued by some scholars that some fans are attracted to combative sports such as the NFL specifically for the opportunity to see players be injured.<sup>50</sup> Indeed, it is not uncommon for news articles to compare watching an NFL game to being in attendance at the Roman Colosseum.<sup>51</sup>

A fan's concern for an athlete's injury not surprisingly depends on his or her feelings toward that athlete. Following the 2001 fatal car crash by NASCAR driver Dale Earnhardt, Sr., researchers examined the reactions of NASCAR fans.<sup>52</sup> Those who were not fans of Earnhardt were more likely to trivialize Earnhardt's death and be unsympathetic in their reactions to the crash. Conversely, fans with a strong attachment to Earnhardt were clearly disturbed and psychologically affected by the incident.

i For more discussion on youth football, see Part 7: Other Interested Parties: Youth Leagues.

There are many incidents of fans cheering players' injuries. In one of the more famous examples, in 1999, Philadelphia Eagles fans cheered as Dallas Cowboys star wide receiver Michael Irvin was being placed on a stretcher as a result of head and neck injuries.<sup>53</sup> In a more recent trend, fans have been cheering when their own players (typically poorly performing quarterbacks) are injured, such as Cleveland Browns fans and Derek Anderson in 2008,<sup>54</sup> Kansas City Chiefs fans and Matt Cassel in 2012,<sup>55</sup> and Houston Texans fans and Matt Schaub in 2013.<sup>56</sup>

Fans' occasional disregard for the health of players is not surprising considering past research that has shown that college football fans are more attached to the game of football than they are to the individual players.<sup>57</sup> Some have suggested that as a result of the players' helmets, players become depersonalized,<sup>58</sup> and thus fans do not develop the same sentiment towards players and might not be uncomfortable cheering an injury.

There are, of course, positive relationships between fans and players as well. Research has shown that athletes are viewed positively by fans where the athletes are perceived as "good people off the field,"<sup>59</sup> and exhibit prosocial behavior.<sup>60</sup> Nevertheless, there is no doubt that players often feel pressure from fans to perform.<sup>61</sup>

## 2 ) FANS AND GAMBLING

As discussed in the background section of this chapter, the NFL has long been concerned about the commoditization of player health information. These concerns persist today. In a 2011 book discussing the gambling scandal involving

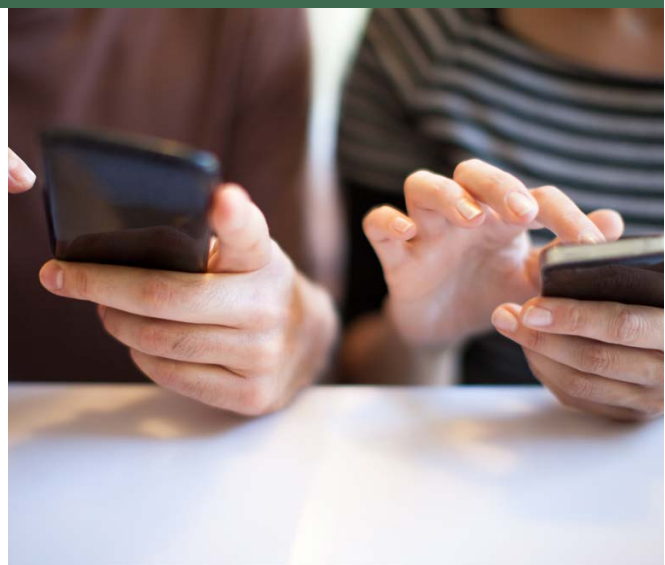
former NBA referee Tim Donaghy,<sup>j</sup> professional gambler Jimmy Batista described winning a large amount after receiving a tip from the Philadelphia Eagles' locker room concerning the injury status of star running back Brian Westbrook (who played from 2002 to 2010) right before a game.<sup>62</sup>

Today, the "Personnel (Injury) Report Policy" ("Injury Reporting Policy") makes clear that "it is NFL policy that information on all injured players be supplied by the clubs to the league office."<sup>63</sup> The NFL describes the Injury Reporting Policy as one "of paramount importance in maintaining the integrity of the NFL."<sup>64</sup> The potential abuses of the Injury Reporting Policy, including the possibility that players and coaches target injured players, are discussed in more detail in Chapter 17: The Media.

Perhaps the most visible way in which gambling affects players today is through fantasy sports. An estimated 33.5 million Americans play fantasy sports every year, spending more than \$3 billion on fantasy games and related services and products.<sup>65</sup> Moreover, there are many websites where fantasy players, for a fee, can win cash prizes, some exceeding \$1 million.<sup>66</sup> These games have been partially exempted under the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA),<sup>67</sup> a legal status supported by the NFL, MLB, NBA, NHL, and NCAA.<sup>68</sup>

j "Tim Donaghy, a former National Basketball Association (NBA) referee, was caught making picks on games he officiated during the 2006–07 season following an investigation conducted by the Federal Bureau of Investigation. Donaghy bet on dozens of games that he officiated in each of the three prior seasons and had disclosed information regarding player injuries and which referees were assigned to specific games to people betting on NBA games. He was eventually sentenced to a prison term of fifteen months for conspiracy to commit wire fraud and ordered to pay \$217,266 USD in restitution by denying his employer the intangible right to his honest services and conspiracy to transmit wagering information." Richard H. McLaren, *Is Sport Losing Its Integrity?* 21 Marq. Sports L. Rev. 551, 566 (2011).

*Fans now routinely harass players via social media or in person concerning players' fantasy performance.*



The high stakes of fantasy sports has nevertheless come with a dark side. Fans now routinely harass players via social media or in person concerning players' fantasy performance.<sup>69</sup> Star running backs Jamaal Charles of the Kansas City Chiefs and Arian Foster of the Houston Texans both recalled being pressured by fans to come back from injuries to help the fans' fantasy football performance.<sup>70</sup> Additionally, many of the interactions have come in the form of threats. For example, during the 2013 season, a fan sent the following Tweet to New York Giants running back Brandon Jacobs: "ON LIFE BRANDON IF YOU DON'T RUSH FOR 50 YARDS AND TWO TOUCHDOWNS TONIGHT ITS OVER FOR YOU AND YO FAMILY N---ER."<sup>k</sup> Jacobs reported the incident to NFL security.<sup>71</sup>

Current Player 4 relayed a story in which an injured teammate had a fan tell the player "to get back in the game" because the fan had the player on his fantasy roster. "[The player] was pretty disgusted that somebody would even suggest something like that."<sup>l</sup> Current Player 6 confirmed "[y]ou feel the pressure and you hear the chatter" and Current Player 7 said players "definitely" feel pressure from fans to play through injuries.<sup>m</sup>

The NFL reportedly has growing concerns about high stakes fantasy sports,<sup>72</sup> but to date has not reversed its position that fantasy sports is not gambling; this is unsurprising since the NFL administers free fantasy leagues (without cash prizes) through its own website,<sup>73</sup> and even recognizes a Fantasy Player of the Year at its annual awards ceremony.<sup>74</sup> Indeed, inside information concerning player injuries is now just as important for fantasy sports as it

always has been for more traditional gambling: ESPN offers a subscription service called "Insider Trading," which purportedly includes "a collection of fantasy advice pulled straight from the locker rooms and practice fields of every team."<sup>75</sup>

The relationship between gambling and professional sports has caused some to reconsider its prohibition. In November 2014, NBA Commissioner Adam Silver, accepting that gambling has become widespread, called for the legalization of sports gambling, proposing that it instead be heavily regulated.<sup>76</sup> Indeed, both the NBA and MLB own equity interests in fantasy websites where fans pay entry fees and can win large financial prizes.<sup>77</sup> While the NFL does not have an equity interest in such websites, two NFL club owners do.<sup>78</sup> The NFL, nevertheless, as a collective entity, has been unmoved, stating that Silver's comment "doesn't change our stance that has been articulated for decades: no gambling on N.F.L. games."<sup>79</sup>

## ( E ) Enforcement of Legal and Ethical Obligations

As discussed above, there are no legal obligations unique to the fan-player relationship. To the extent fans assault, batter, threaten or otherwise harm NFL players, NFL players could pursue either criminal charges or a civil lawsuit against the fan.

If fans are acting unruly or in a threatening manner at a game, players can bring that to the attention of security and have the fan ejected.

k In the Tweet to Jacobs, the fan spelled out the entire slur. See *Fantasy Pressure*, ESPN (Dec. 8, 2014, 10:09 AM), <http://espn.go.com/video/clip?id=11994138>.

l Other players also expressed concern about the pressures created by fantasy football: Current Player 9: "Yes, definitely [players feel pressure from fans], especially with fantasy football." Former Player 2: "This fantasy football stuff right now has kind of gone crazy."

m Other players did not believe players felt meaningful pressure from fans. Current Player 2: "I don't think that [fans] play a huge role in putting pressure on guys as they're out on the field. I don't think there's any that have any impact on the guy whether a guy is going to go out there and play hurt or not." Current Player 10: "I don't think the fans or even the media plays that much into it." We reiterate that our interviews were intended to be informational but not representative of all players' views and should be read with that limitation in mind.

## ( F ) Recommendations Concerning Fans

Fans, ultimately, are what drive the success of the NFL. Fans consume the sport in incredible numbers, driving record-breaking television audiences and contracts. Fans, thus, also have incredible power. Without fan interest, the money, power, and prestige disappear. Below we make recommendations that seek to recognize and harness the power of the fans for the betterment of NFL players.

### Goal 1: To wield the power of NFL fans to improve the health of NFL players.

*Principles Advanced: Respect; Health Primacy; and, Justice.*

#### **Recommendation 18:1-A: Fans should recognize their ability to bring about change concerning player health.**

As discussed above, fans are tremendously important when it comes to the NFL's success. Fans thus have the leverage to pressure the NFL and other stakeholders into making positive changes for player health. There is precedent for the exercise of such leverage. In 2009, the Sports Fan Coalition was formed by a former White House attorney for the purposes of protecting fans' interests.<sup>80</sup> In its brief history, two items on the Sports Fan Coalition agenda have changed for the better: (1) NCAA college football created a playoff system; and, (2) the Federal Communications Commission eliminated a rule that permitted NFL clubs to "blackout" television broadcasts where the game did not reach a certain attendance level. While the Sports Fan Coalition's importance in these changes is unclear, it seems likely that the Sports Fan Coalition's expression of a collective fan voice had an impact.

Fans could have a similar positive impact on NFL player health, including by putting pressure on the NFL, NFLPA, clubs, and other stakeholders to adopt recommendations like those we have made in this Report.<sup>n</sup>

#### **Recommendation 18:1-B: Fans should recognize that the lives of NFL players are more than entertainment, and that NFL players are human beings who suffer injuries that may adversely affect their health.**

While NFL players' profession entails playing a sport largely for the entertainment of fans, an NFL career has real and important short and long-term impacts on players and their families. The fan experience sometimes strips some fans of understanding or sympathy for players—viewing them as mere means rather than human beings. Such a view is incompatible with the principle of Respect we have outlined in this Report. Fortunately, fans have increasingly taken note of the ways in which the game can harm players and through their behavior can help foster a norm of respect. This is a positive trend and hopefully one that will continue.

#### **Recommendation 18:1-C: Fans should not pressure players to play while injured.**

<sup>n</sup> The long-time NFL columnist Mike Freeman stated, "[i]f there ever comes a time when fans see the players as people and not commodities or gladiators or faceless entities on our fantasy rosters, everything could change." Mike Freeman, *Two Minute Warning: How Concussions, Crime, and Controversy Could Kill the NFL (and What the League Can Do to Survive)* xx (2015).

## Recommendations Concerning Fans – continued

For the reasons discussed above, fans should respect players and their physical and mental conditions. It is obvious that all NFL players often play with varying degrees of injury and pain. No fan—except perhaps former NFL players—can realistically understand the physical limitations of a player’s particular injury and whether it can withstand the physical demands of playing in an NFL game. Moreover, fans should respect that the player has legitimate long-term interests in his health at stake. As part of the continuing theme, fans must treat players with dignity and respect, and not as combatants for the fans’ amusement.

On a related topic, fans should exercise discretion when communicating with players via social media. While the interaction between players and fans via social media is a great way to build a connection, fans should obviously refrain from crossing the line with racist attacks or other threats. To the extent players are recipients of such communications, they should take them seriously and report them to club and NFL security.

### Recommendation 18:1-D: Fans should not advocate, cheer, encourage, or incite player injuries.

It seems obvious that one should not encourage or be happy about the bodily or mental injury of another human being. Nevertheless, fans sometimes express joy when a player, even their own team’s player, has been injured. That behavior is incompatible with showing respect for players and treating them as human beings.

## Endnotes

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- 2 *Id.*
- 3 Larry Shannon-Missal, *Denver Broncos Are America’s Favorite Football Team; Dallas Cowboys Drop to 4th After Six Years at the Top*, Harris Poll (Oct. 14, 2014), <http://www.harrisinteractive.com/NewsRoom/HarrisPolls/tabid/447/mid/1508/articleId/1506/ctl/ReadCustom%20Default/Default.aspx>, archived at <http://perma.cc/MB7G-FKX7>.
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- 9 *See* K. A. Hunt, T. Bristol, & R. E. Bashaw, *A Conceptual Approach to Classifying Sports Fans*, *J. Serv. Mktg.* 13, 439–452 (1999); D. L. Wann, J. Royalty, & A. Roberts *The Self-Presentation of Sport Fans: Investigating the Importance of Team Identification and Self-Esteem*, *J. Sport Behavior* 23, 198–206 (2000).
- 10 S. E. Smith et al., *How Does Sport Team Identification Compare to Identification With Other Social Institutions?* 6 *J. Contemp. Athletics* 69–82 (2011).
- 11 R. J. Sebastian & D. N. Bristow, *Win or Lose, Take Me Out to the Ballgame! An Empirical Investigation of Loyalty Proneness Among College Students*, 9 *Sport Mktg. Quarterly* 211, 211–20 (2000).
- 12 A 1977 New York Times article estimated the illegal sports gambling market in the United States as being worth \$50 billion. Steve Cady, *The Need for a Super Security Agency to Police All Major Sports*, *N.Y. Times*, Feb. 22, 1977, <http://query.nytimes.com/gst/abstract.html?res=9C04E0DF143BE63BBC4A51DFB466838C669EDE>, archived at <https://perma.cc/593A-72WT?type=source>.
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