



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

# Chapter 18

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## **SUMMARY:** **Fans**



This document is a summary of the full chapter on fans in the Report Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations. The full chapter includes the following sections: (A) Background; (B) Current Legal Obligations; (C) Current Ethical Codes; (D) Current Practices; (E) Enforcement of Legal and Ethical Obligations; and, (F) Recommendations. Here, we provide our Recommendations, with only the minimum necessary background information. For more information and analysis of the role and responsibilities of fans, including relevant citations, please see the full chapter.

NFL football is the most popular sport in America by a variety of measures, and 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 (more than 20 million people watch the primetime broadcasts), attending practices or games in-person (a mean of more than 68,000 people attend every NFL game), by gambling and playing fantasy sports, and through public events where fans might see or speak with players. Indeed, many NFL fans have strong psychological connections to their favorite clubs, and being a fan may be a central component of their social identity. These different fan experiences also shape the fan's interests and role in player health.

A comprehensive analysis of issues in the NFL, including player health, is not complete without a discussion of gambling, including fantasy sports. 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% of the total). Illegal gambling dwarfs these numbers; in the United States, illegal gambling on professional sports has been estimated at \$80-\$380 billion annually. If we assume the rate of illegal gambling on football matches Nevada's 45% rate of legal gambling on football, one would estimate that there is as much as \$170 billion illegally gambled on football each year.

Perhaps the most visible way in which gambling affects players today is through fantasy sports. These games have been partially exempted under the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), a legal status supported by the NFL, MLB, NBA, NHL and NCAA. An estimated 33.5 million Americans play fantasy sports every year, spending more than \$3 billion on fantasy games and related services and products. The high stakes of fantasy sports has come with a dark side. Fans now routinely harass players via social media or in person concerning their fantasy performance.

## Recommendations Concerning Fans

Fans, ultimately, are what drive the success of the NFL, and they therefore wield incredible power. 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.

#### **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. 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 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.

## Recommendations Concerning Fans – continued

**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.

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.