Kaepernick's Stand: Patriotism, Protest, and Professional Sports

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This essay examines the public controversy that has followed Colin Kaepernick's decision to sit or kneel during the national anthem, which is played before National Football League games. We examine public statements made by Kaepernick, and various rhetors who have defended him, arguing that two compelling defense strategies are present. Drawing from the genre of apologia, or speeches of defense, we argue that Kaepernick seeks to transcend his protest and focus on systemic racism and violence against people of color. Meanwhile, external defenders of Kaepernick seek to differentiate his protest from charges that he is unpatriotic. These efforts argue that Kaepernick has the right to protest, but avoid engagement with the content of the protest. Finally, we consider implications for rhetorical entanglements with Kaepernick's protest to argue that most responses, ultimately, serve to reinforce the status quo.

Keywords: apologia, #blacklivesmatter, Colin Kaepernick, image restoration, national anthem, NFL, patriotism, protest

During the 2016 preseason of the National Football League (NFL), San Francisco 49ers quarterback, Colin Kaepernick, quietly sat during a rendition of the *Star Spangled Banner*. Initially unnoticed, he "made headlines when he sat during the 49ers third preseason game."¹ Kaepernick's refusal to stand during the anthem, which he later revealed was a symbolic protest aimed at drawing attention to police violence against people of color and racial oppression in the United States, violated the culture of compulsory patriotism that permeates much of contemporary U.S. culture in particular at sporting events.² Kaepernick's protests, and his eventual explanations, exist in the context of a national debate about the relationship between race and police violence, as increasingly the killing of unarmed black men by police are recorded and shared online and in the news. In the days and weeks that followed, Kaepernick has been castigated for his protest. In this essay, we are concerned with Kaepernick's (and his supporters') responses to the demands that he both stand up during the anthem and explain himself. Members of sports media, political commentators and pundits, and members of the public have called for Kaepernick to defend his actions. In the

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¹Mark Sandritter, "A Timeline of Colin Kaepernick's National Anthem Protest and the Athletes Who Joined Him," *SBNation*, September 22, 2016, http://www.sbnation.com/2016/9/11/12869726/colin-kaepernick-national-anthem-protest-seahawks-brandon-marshall-nfl.

²Nick Wagoner, "Colin Kaepernick Continues Anthem Protest; Other 49ers, Rams Join," *ESPN*, September 13, 2016, http://www.espn.com/nfl/story/_/id/17534211/colin-kaepernick-san-francisco-49ers-again-kneels-national-anthem.

weeks that followed, Kaepernick continued his protest, explained and defended his actions, and saw his protest begin to spread to other players around the league and across other sporting events.

The response to Kaepernick has been fierce, and, in some circles, has done significant damage to his public image. Fans burned Kaepernick jerseys,³ he faced accusations of being unpatriotic and un-American, he has even been told him to leave the United States,⁴ and Internet memes spread quickly over social media attacking him in a variety of ways.⁵ In a recent poll, Kaepernick was viewed as the most disliked player in the NFL.⁶

However, Kaepernick has also received support from some segments of the public, including fellow football players, military veterans, and some members of the media. Kaepernick's jersey sales topped the league after the initial protests.⁷ Athletes at different levels of competition and in other sports (high school, college, and professional) have begun sitting, kneeling, or raising a fist during the national anthem in solidarity with Kaepernick and his message.⁸ Many veterans, allegedly those most "disrespected" by refusals to observe pregame patriotic ceremonies, have written that they support Kaepernick's actions.⁹

Public criticism of his decision to sit or kneel during the anthem has led to accusations that Kaepernick is unpatriotic and un-American.¹⁰ Presidential hopeful Donald Trump said, "I think it's a terrible thing, and you know, maybe he should find a country that works better for him, let him try, it's not gonna happen."¹¹ Retired Army Col. Kelly Criger rebuked Kaepernick, "You're not a freedom fighter leading your people out of bondage. You're an ill-informed athlete who's only fanning the fires of racism by sitting on the sidelines for a principle that you only understand

³Chris Pleasance,"You Should Never Play in the NFL Again. Move to Canada': 49ers Fans Burn Kaepernick Jerseys to the National Anthem After the \$114Million Sport Star Refused to Stand 'to Protest Black Oppression," *Daily Mail*, August 28, 2016, http://www.dailymail.co.uk/news/article-3762239/You-never-play-NFL-Canada-49ers-fans-burn-Kaepernick-jerseys-national-anthem-114million-sport-star-refused-stand-protest-black-oppression.html.

⁴Ken Meyer, "White Conservative Pundit Rips Colin Kaepernick and Biracial Parents Who 'Weren't Willing to Raise' Him," *Mediaite*, August 30, 2016, http://www.mediaite.com/online/tomi-lahren-rips-into-crybaby-kaepernick-calls-out-black-parents-who-werent-willing-to-raise-him/. See also: Bryan Graham, "Mike Ditka to Colin Kaepernick: 'Get the Hell Out' if You Don't Like America," *The Guardian*, September 23, 2016, https://www.theguardian.com /sport/2016/sep/23/mike-ditka-colin-kaepernick-get-the-hell-out-anthem-protest.

⁵ Emily Kirschenheuter, "Hilarious Memes on Kaepernick vs. the National Anthem," *KRON4*, August 30, 2016, http://kron4.com/2016/08/30/hilarious-memes-on-kaepernick-vs-the-national-anthem/.

⁶ Darren Rovell, "Poll: Niners QB Colin Kaepernick Most Disliked Player in League," *ESPN*, September 22, 2016, http://www.espn.com/nfl/story/_/id/17604958/san-francisco-49ers-qb-colin-kaepernick-most-disliked-player-nfl -according-poll-e-poll-marketing-research.

⁷ Although possible that some people bought the \$99 jersey just to burn it, it is far more likely that most jerseys were purchased to be worn in support of Kaepernick. The official website that sells the jerseys has said that jersey sales generally indicate support for a player. Ahiza Garci, "Colin Kaepernick's Jersey is Top Seller After Protest," *CNN*, September 6, 2016, http://money.cnn.com/2016/09/06/news/companies/colin-kaepernick-jersey-nfl/.

⁸John Breech, "Here Are the 11 Players Who Joined Colin Kaepernick's Protest in Week 1," *CBS Sports*, September 12, 2016, http://www.cbssports.com/nfl/news/here-are-the-11-players-who-joined-colin-kaepernicks-protest-in-week-1/; "Michigan, Michigan State Players Raise Fists During National Anthem," *ESPN*, September 23, 2016, http://www.espn.com/college-football/story/_/id/17626402/college-football-players-protest-anthem.

⁹ Madison Park, "#VeteransForKaepernick Trends as Vets Defend NFL Player," *CNN*, August 31, 2016, http://edition .cnn.com/2016/08/31/us/veterans-for-kaepernick-trnd/.

¹⁰ Meyer, "White Conservative Pundit Rips Colin Kaepernick."

¹¹ Nathan McDermott, "Trump On Kaepernick: 'Maybe He Should Find a Country That Works Better For Him," *Buzzfeed*, August 29, 2016, https://www.buzzfeed.com/natemcdermott/trump-on-49ers-kaepernick-maybe-he-should-find-a-country-tha?utm_term=.tfrGrEb0G6#.uuxk4epNkY.

through a simplistic pop narrative that's little more than a hashtag campaign."¹² Drawing ire from everyone ranging from NFL fans to a Presidential candidate, the quarterback has been compelled to defend his decision to sit or kneel during pregame anthems. The speech of defense, also known as apologia, is a classical rhetorical genre and has been used when people believe they need to defend themselves, admit wrongdoing, or justify their actions.

Charges of being unpatriotic are particularly forceful in the context of the public spectacles of American sports, in general, and the National Football League, in particular. The Center for Research on Globalization contends, "Sports, where fans come together to watch passively, have become the most important venue to propagandize for militarism and American supremacy."¹³ The center further notes that the NFL received revenue in the multiple millions of dollars through 2015 from the Department of Defense in exchange for staging patriotic-themed events.¹⁴ The NFL maintains an image gallery on its official website to highlight how "the NFL shows its patriotism."¹⁵ NFL Commissioner Roger Goodell has reinforced the NFL's ties to patriotism as a contrast to Kaepernick's protest, "we believe very strongly in patriotism in the NFL."¹⁶ In short, Kaepernick has faced fierce criticism of his protest, including voracious claims that he was being unpatriotic, and those charges are particularly powerful given the NFL's unfailing role in promoting patriotism.

In this context, Kaepernick and his supporters have begun to speak in defense of his inaction during the national anthem. In this essay, we argue that Kaepernick used strategies of defense that attempt to transform the assumed meanings of a refusal to stand during the anthem into a focus on race relations in the United States of America; others who defended his protest sought to argue that protest is his right in a free society, while refusing to engage in conversations about the larger social context. While his accusers suggest his protest was unpatriotic and un-American, or that his inaction showed disrespect for the U.S. flag and/or military, Kaepernick and others have consistently attempted to redefine the actions to suggest that it is not about patriotism or love of one's country, but, in fact, about the American principles of freedom, liberty, and justice for all.

This essay unfolds in four subsequent sections. First, we explain what apologia is as a genre of rhetorical practice. Second, we examine the ways Kaepernick defends himself by seeking to transcend the protest and discuss American race relations. Third, we examine statements by Kaepernick's team and other supporters for how they defend him, but also distance themselves, from Kaepernick. Finally, we consider the implications of the entire controversy, arguing that most of the criticism towards Kaepernick, but even most of the defense of his actions, fails to shift the emphasis from being offended by a specific, allegedly unpatriotic, action to having a national dialogue about injustice.

¹² Dan Lamothe, "The Colin Kaepernick Flap Highlights the NFL's Complex History with the Military and Patriotism," *The Washington Post*, August 29, 2016, https://www.washingtonpost.com/news/checkpoint/wp/2016/08/29/the -colin-kaepernick-flap-highlights-the-nfls-complex-history-with-the-military-and-patriotism/.

¹³ Matt Peppe, "Sports Events, 'Militarized Patriotism' and the National Anthem: Colin Kaepernick of the San Fransisco [*sic*] 49ers Forces 'Americans to Choose Sides," *Global Research*, September 26, 2016, http://www

[.] global research. ca/sports-events-militarized-patriotism- and - the - national- anthem- colin-kaepernick- of - the - san-fransisco-49 ers-forces- americans- to-choose-sides/5547846

¹⁴ Jared Dubin, "US Defense Department Paid 14 NFL Teams \$5.4M to Honor Soldiers," *CBS Sports*, May 11, 2015, http://www.cbssports.com/nfl/eye-on-football/25181085/nfl-teams-received-54-million-from-defense-department-in -last-4-years.

¹⁵ "The NFL Shows its Patriotism," NFL, 2016, http://www.nfl.com/photos/0ap2000000362859.

 ¹⁶ "Roger Goodell on Colin Kaepernick: 'We Believe Very Strongly in Patriotism in the NFL,'' USA Today, September
7, 2016, http://www.usatoday.com/story/sports/nfl/2016/09/07/goodell-doesnt-agree-with-kaepernicks-actions
/89958636/

Self-Defense, Justification, and Image Restoration

In their 1973 essay, Ware and Linkugel outline the ways in which public figures typically defend and justify actions or alleged actions.¹⁷ Those speaking to defend themselves, the authors argue, generally use one of two broad strategies. The first is "reformative." This means the accused are working within existing social understandings of actions and concepts. There are two reformative options: denial and bolstering. Denial can occur as a simple statement like "I did not do that," but it can also exist in the form of a denial of intent. For example, one might admit to killing someone, but deny that it was murder, "Yes, I shot him, but it was an accident, not murder."

Bolstering refers to any attempt to reinforce "an existing fact, sentiment, object or relationship."¹⁸ Bolstering is an effort to improve one's reputation in the hopes that it may sway the accusers to see the alleged offender in a better light. Bolstering says little, if anything, about the actual accusation. A common method of bolstering would be to attempt to identify with something already viewed positively. For example, the large oil company, British Petroleum (BP), ran a series of advertisements after the Deepwater Horizon disaster that attempted to appeal to a geographic identity. BP used local spokespersons (and called attention to the fact that the spokesperson was from that area) to identify with the residents. For example, in one ad, Iris Cross, identified as "BP Community Outreach," says, "I was born here. I'm still here. And so is BP. We're committed to the Gulf for everyone who loves it and everyone who calls it home."¹⁹ Nothing in the message even mentions the reason for the ad. There is no direct reference to the oil spill, and there is no suggestion of any wrongdoing. Instead, the ad is apparently aimed at identifying BP, via the use of a local spokesperson, Iris Cross, with a love of the Gulf-area that its residents also feel.

Unlike reformative strategies of defense, transformative strategies have the much harder task of seeking to change the accusers' current worldview or beliefs. Transformative strategies seek to alter the *meaning* that others have assigned to the events. Differentiation occurs when the accused attempts to change the audience's understanding of the particular event. In an interview with the Christian Broadcasting Network, then-presidential candidate Newt Gingrich was asked about his previous extramarital affairs. In his response, Gingrich implied that his acts of infidelity should be viewed not as unethical but as, in fact, patriotic. Gingrich replied, "There's no question at times of my life, partially driven by how passionately I felt about this country, that I worked far too hard and things happened in my life that were not appropriate."20 Here Gingrich differentiates between traditional unethical affairs and his extramarital activities, which were apparently "driven by" his love of country.

Transcendence is a strategy that completely circumvents the original event and accusation altogether because, the defender suggests, there are much more important factors at stake. This approach attempts to get an audience to view the behavior or event as having been conducted for a more significant purpose, something much more important than what the accusers are claiming. Labor leader Eugene Debs was arrested and accused of sedition for a speech he gave encouraging people to resist the draft to fight in World War I.²¹ At the trial, he admitted to giving the speech

¹⁷ B. L. Ware and Wil A. Linkugel, "They Spoke in Defense of Themselves: On the Generic Criticism of Apologia," Quarterly Journal of Speech 59: 3 (1973): 273-283.

¹⁸ Ware and Linkugel, 276.

¹⁹ "Our Ongoing Commitment," British Petroleum, https://www.youtube.com/watch?v=hoOfIR4Vk1o.

²⁰ Bryan Montopoli, "Newt Gingrich Says His 'Not Appropriate' Behavior Tied to His Passion for America," CBS News, March 9, 2011, http://www.cbsnews.com/news/newt-gingrich-says-his-not-appropriate -behavior-tied-to-hispassion-for-america/. ²¹ "Debs Arrested; Sedition Charged," *New York Times*, July 1, 1918.

that led to the sedition charges, but he ignored the particulars when defending himself. Instead, Debs argued that the real issue, and what was actually at stake, was something much more significant and timeless than any one of his speeches. What was actually on trial, argued Debs, was the Constitution and whether or not citizens actually have the First Amendment rights of free speech, free press, and the right to assemble. Transcendence as strategy, then, essentially argues that the particulars are rather trivial and beside the point because there is a much more important principle or cause that should instead be the focus.

William Benoit expands upon Ware's and Linkugel's early work on apologia, focusing on individuals' and organizations' reputations and image restoration. Benoit writes that we must first understand the nature of the accusation. There can be two components to understanding: 1) the accused is held liable for an action, and 2) that action (or inaction, presumably, as well) is considered offensive.²² The accused party's options, therefore, are evading responsibility or reducing offensiveness. In this particular case, we are only concerned with the second component. Kaepernick did not stand for the national anthem, so he is undeniably responsible for the action. Rather, the outrage is over the alleged "offensiveness" of the actions that he, and others, have taken (kneeling, standing, raising fists, etc.). Critically, we must point out that whether or not standing for the national anthem actually is a negative behavior is not what matters here. We are only, in that sense, addressing this from the perspective of those who have claimed to be offended.

In Defense of Kneeling

Drawing on the concepts of transcendence and differentiation in apologia rhetoric, as explained by Ware and Linkugel and Benoit, in the following two sections we analyze Kaepernick's defense of his protest and the response from his team. We argue in these sections that Kaepernick works to transcend the specific act of choosing not to observe the national anthem ceremony by instead focusing attention on violence against people of color by the police. Meanwhile, Kaepernick's team and some of his other supporters work to differentiate between the rights of players (they are free to choose not to stand or salute the flag) and their organization (which is not stating any position in the controversy over police violence). This work allows players enough freedom to protest but avoids offering support for either their cause or specific actions.

Transcendence: This is About Something More Important

As we have already observed, Kaepernick faced a tumultuous wave of criticism during his ongoing protest. At the forefront of those critiques are repeated insinuations that Kaepernick is an unpatriotic brat who is disrespecting the United States, in general, and members of the military, in particular. As a rhetorical situation, Kaepernick is called to speak in defense of his actions. However, rather than defend his form of protest or his right to protest, Kaepernick chose to seek to move beyond the particulars about the national anthem, and other pregame patriotic ceremonies, and instead focus his defense on a larger social context. This form of apologia, transcendence, shifts attention from the act to the social conditions that called the protest into being, staking the protest not as a moral or ethical failing within Kaepernick but as a socio-political failing that demands action. Kaepernick engages in transcendent apologia with a consistent focus on the social plight of African-Americans in the U.S.

²² William Benoit, "Image Repair Discourse and Crisis Communication," *Public Relations Review*, 23: 2 (1997): 178.

Kaepernick maintained from the start that he did not want to talk about opting out of the national anthem celebration in the context of a football game, but instead he wanted to talk about national issues. When his protest was first noticed, he was direct and succinct in an interview with NFL media: "I am not going to stand up to show pride in a flag for a country that oppresses black people and people of color. To me, this is bigger than football and it would be selfish on my part to look the other way. There are bodies in the street and people getting paid leave and getting away with murder."²³

Kaepernick immediately moves beyond the context of the game and anthem ("bigger than football"). More than that, he transitions blame from himself (refusing to stand) to blame on the country, with the flag and anthem as surrogate symbols. Conjuring the images of "bodies in the street," images which are forceful amid a string of recorded videos of police using lethal force against young men and women of color, who are often unarmed, resets the notion of blame from Kaepernick's to the nation's character. To stand and show allegiance becomes, in Kaepernick's discourse, a show of fidelity to the killing of young black men and women and a resistance to acknowledge that #blacklivesmatter.²⁴

In the weeks that followed his initial statements, he continued to work to transcend calls to defend his tactics and refocus critical attention on the nation. On August 28, 2016, Kaepernick agreed to an extended interview with members of the media. In that interview, he again worked to transcend the specific incident to focus on larger, national issues. The interview is particularly interesting because on multiple occasions the media tried to re-center attention on the specific act itself (sitting on the sidelines during the anthem), and Kaepernick continually moved beyond himself and his action and back to the broader issues of injustice and inequality in the United States.

For example, when asked if his protests would continue he provided a brief affirmation, "Yes. I'll continue to sit" but then immediately pivoted back to the larger issue, deflecting attention away from himself, "I'm going to continue to stand with the people that are being oppressed. When there's significant change and I feel like that flag represents what it's supposed to represent . . . I'll stand."²⁵ Here Kaepernick moved the decision to stand from one of personal choice to one dependent on action across the U.S., calling the nation to become equal and just. Kaepernick even worked to deflect questions about his personal experiences of oppression back to that of the short-comings of the nation. When asked if he personally is oppressed, he responded, "This is because I'm seeing things happen to people that don't have a voice, people that don't have a platform to talk and have their voices heard, and effect change."²⁶ Kaepernick constructed the oppression of

 ²³ Steve Wyche, "Colin Kaepernick Explains Why He Sat During National Anthem," *NFL*, August 27, 2016, http://www.nfl.com/news/story/0ap300000691077/article/colin-kaepernick-explains-protest-of-national-anthem.
²⁴ Andre Carrington, "Implicating the State: Black Lives, A Matter of Speculative Rhetoric," *Present Tense*, 5:2

^{(2015),} http://www.presenttensejournal.orgvolume-5/implicating-the-state-black-lives-a-matter-of-speculativerhetoric/. See also the *Journal of Contemporary Rhetoric*, volume 5, issue 3/4, 2015 for a special issue on rhetoric and race that offers outstanding insight into the rhetoric of #blacklivesmatter, especially Julius Bailey and David J. Leonard, "Black Lives Matter: Post-Nihilistic Freedom Dreams," *Journal of Contemporary Rhetoric*, 5: 3/4 (2015): 67-77; Catherine L. Langford and Montené Speight, "#BlackLivesMatter: Epistemic Positioning, Challenges, and Possibilities," *Journal of Contemporary Rhetoric*, 5: 3/4 (2015): 78-89; and Mark Orbe, "#AllLivesMatter as Post-Racial Rhetorical Strategy," *Journal of Contemporary Rhetoric*, 5: 3/4 (2015): 90-98.

²⁵ Chris Biderman, "Transcript: Colin Kaepernick Addresses Sitting During National Anthem," USA Today, August 28, 2016,http://ninerswire.usatoday.com/2016/08/28/transcript-colin-kaepernick-addresses-sitting-during-national-anthem/.

²⁶Biderman, "Colin Kaepernick Addresses."

people of color and police brutality as facts, refusing to let these concepts be expressed in terms of opinion, "There is police brutality. People of color have been targeted by police."²⁷

Throughout the interview members of the media continued to redirect the conversation back to Kaepernick's actions and to football, while Kaepernick repeatedly evaded those questions to emphasize the social ills he instead wanted to focus upon. For example, when asked if this is about the NFL or his relationship with his team (he recently lost his position as the starting quarterback and was frequently cited in off-season trade speculation), he was adamant that it had nothing to do with football or his role on the team, "this is about the way people have been treated by this country."²⁸ On multiple occasions across multiple venues, Kaepernick avoided questions about his particular pregame tactics to focus on the transcendent concern of injustices across the nation.

Differentiation: (Re)-Defining Patriotism

Kaepernick has consistently explained that he was sitting during the national anthem for a larger reason, but there is also another layer of controversy to this issue. Kaepernick's actions also implicate his team and the National Football League. As Kaepernick faced increasing criticism of his protest as unpatriotic, stakeholders from the league began to speak in defense of their brand. In doing so they emphasized freedom to protest and at times constructed *protest as patriotic*. This is a strategy of differentiation, an attempt to redefine interpretations of the initial protest, especially in light of charges that Kaepernick, and perhaps by implication his team and the entire NFL, is unpatriotic.

After news broke of Kaepernick's action, the San Francisco 49ers issued an official team statement, an effort at their own image maintenance as an organization, "The national anthem is and always will be a special part of the pregame ceremony. It is an opportunity to honor our country and reflect on the great liberties we are afforded as its citizens. In respecting such American principles as freedom of religion and freedom of expression, we recognize the right of an individual to choose and participate, or not, in our celebration of the national anthem."²⁹ This was an effort to define Kaepernick's action not as unpatriotic or un-American, but as consistent with the United States' principles of freedom of expression. The official team statement constructed Kaepernick as a free individual exercising his freedom of expression; in doing so they distanced themselves from Kaepernick-the-employee, removing any implication that the 49ers were involved in the protest. The 49ers statement, because it employed only the strategy of differentiation, justified the *form* of Kaepernick's protest (to choose not to participate in the anthem celebration) but avoided validating or engaging with the *content* (racial injustice) of Kaepernick's protest.

The 49ers were not alone in having to respond to the protests. The Denver Broncos stated, "While we encourage members of our organization to stand during the National Anthem, we understand and respect it being a personal decision."³⁰ Although not quite as strong, this is also an example of differentiation. The Broncos "encourage" players to stand, but they located the choice to abstain as a *personal* one. Like the 49ers, the Broncos located protesting as something that is

²⁷Biderman, "Colin Kaepernick Addresses."

²⁸Biderman, "Colin Kaepernick Addresses."

²⁹ Merrit Kennedy, "49ers Quarterback Sits Out National Anthem to Protest Oppression of Minorities," *National Public Radio*, August 27, 2016, http://www.npr.org/sections/thetwo-way/2016/08/27/491636683/49ers-quarterback-sits-out-national-anthem-to-protest-oppression-of-minorities.

³⁰ Mike Florio, "Broncos Issue Statement Regarding Brandon Marshall's Decision to Kneel," *NBC Sports*, September 8, 2016, http://profootballtalk.nbcsports.com/2016/09/08/broncos-issue-statement-regarding-brandon-marshalls-decision-to-kneel/

personal and individual. In doing so the team constructed the right to protest as outside of the team's responsibility and influence. By engaging this strategy of differentiation the Broncos insulated themselves from culpability for any of the offense caused by players protesting.

As the controversy dragged on, yet another line of critique surfaced against Kaepernick. Kaepernick was frequently accused of showing disrespect for the military and its veterans. This line of critique seemingly equates patriotic pregame observances to showing respect for soldiers and the U.S. military. By sitting or kneeling for the anthem, or failing to salute the U.S. flag, Kaepernick is charged with showing disrespect to U.S. military personnel. Presumably, these critics are arguing, albeit implicitly, that soldiers have fought for the flag itself in some way, so to show disrespect to that symbol is to also show disrespect to people. In short, they are arguing that anyone who does not participate in obligatory rituals of patriotism are opposed to, or are being disrespectful to, U.S. troops and veterans.

As a response to these charges, many veterans began an online campaign of support using the viral hashtag #VeteransForKaepernick.³¹ Military personnel who participated in this campaign defined Kaepernick's action as patriotic, some even calling Kaepernick "an American hero." For example, Sunny Anderson, tweeted, "I took an oath & served, so players on a team I don't even like could have freedom of speech." Another military family tweeted, "My husband just returned from 8 mos [months] deployment defending [Kaepernick's] freedom of speech." Coleman Chase contributed, "Free Speech is free speech all the time." "I didn't wear all this gear so people could be offended by how others exercise their rights," commented Rich Madrid.³² In a letter to the editor of *The Denver Post*, former combat veteran David Collins wrote, "I never met a soldier who was willing to die for a flag or a song. [The players] should be applauded for having the courage to speak truth to power, for calling a nation's attention to those ways in which we have not yet lived up to the ideals to which we sing and which we symbolize in a flag. They should not be booed or threatened by fans, or dismissed by feckless sponsors. They honor, not dishonor, our flag."³³

In a video message that went viral, former Navy Seal and ex-Governor of Minnesota Jesse Ventura explained why Kaepernick deserves to be saluted. "I fully and completely support him," states Ventura. "That's why I served my country. So that you have the freedom to protest." Ventura's message opposed what he calls "forced patriotism," claiming compulsory patriotism is actually un-American. This belief is why he "immediately vetoed" a bipartisan bill in Minnesota that would have required all public school children to recite the Pledge of Allegiance.³⁴ These messages were attempts to transform the meanings assigned to Kaepernick's action by those who were claiming he was showing disrespect to the military. Instead, these veterans were claiming, they joined the military not so that everyone in the U.S. would be expected or required to salute a flag or stand during the anthem, but rather for everyone's right to celebrate and protest in whatever ways they want.

Even President Obama has entered this debate. In a televised town hall-style meeting, to an audience consisting of many men and women in military uniforms, he remarked, "Well, as I've said before, I believe that us honoring our flag and our anthem is part of what binds us together as a nation. But I also always try to remind folks that part of what makes this country special is that

³¹ Park, "#VeteransForKaepernick Trends."

³² All of these Tweets were reposted in Park, "#VeteransForKaepernick Trends."

³³ "Reactions to Brandon Marshall's Protest of National Anthem at Broncos Game (13 Letters)," *Denver Post*, September 14, 2016, http://www.denverpost.com/2016/09/14/reactions-to-brandon-marshalls-protest-of-national-anthem-at-broncos-game-13-letters/.

³⁴ Graham Flanagan, "Why Jesse Ventura Salutes Colin Kaeperkick for his National-Anthem Protest," September 10, 2016, http://www.businessinsider.com/jesse-ventura-i-salute-colin -kaepernick-2016-9.

we respect people's rights to have a different opinion." He continued, "The test of our fidelity to our Constitution, to freedom of speech, to our Bill of Rights, is not when it's easy, but when it's hard," he said. "We fight sometimes so that people can do things that we disagree with . . . As long as they're doing it within the law, then we can voice our opinion objecting to it but it's also their right."³⁵ Obama, the nation's Commander-in-Chief, joins the voices of active and former military men and women in redefining Kaepernick's protest as a form of patriotism.

In our analysis, we find that two primary strategies have been used to speak in defense of Kaepernick. First, Kaepernick evades attention on the actual sideline protest, transcending the initial act of kneeling and attempting to contribute to a conversation about U.S. social structures that have thus far failed to correct injustices and violence against people of color. His transcendence locates police brutality and systemic racism as far more important than any specific act he has undertaken. In contrast, various football teams differentiate Kaepernick's action by separating him (and other protesting players) from the identity of the team. Thus, the players become free members of society rather than representatives speaking for their organization. Lastly, members of the military differentiate between speech that offends the troops and Kaepernick's embodiment of the freedom for which they fought. In the next section, we consider the implications that emerge as a result of these varying forms of apologia.

Limiting the Conversation through Differentiation

Broadly, responses in the wake of Kaepernick's protest have functioned to refuse to engage the larger social concerns of injustice and inequality. Some of Kaepernick's defenders focus on his right to protest arguing that it is not unpatriotic, but even his supporters essentially avoid any discussion of the actual topic of concern for which he is protesting. Some of his critics claim to recognize and believe he has the right to protest, but not if protesting means sitting out the patriotic pregame ceremonies. In the following section, we examine each of these arguments for the ways they prevent a larger social conversation about racism and injustice in the United States.

First, many who appear as allies to Kaepernick still unwittingly prevent a conversation about violence against marginalized communities. Kaepernick, and most of the other players who have actively sat out of anthem ceremonies, engage in transcendence: they want to call attention to police shootings and racism in the U.S. Organizations, supporters, the veterans who wrote in support of him, and even President Obama, however, have used differentiation almost exclusively: they want the public to view a refusal to sit during the anthem as an act of exercising freedom of speech; it is not unpatriotic, they argue. In fact, if anything, voicing disagreement via protest is a civic duty, even if the method of doing so might offend someone. Democracy is messy; democracy necessarily entails disagreements.

However, their focus on defending the specific sideline act itself, rather than participating in the conversation that Kaepernick wants to have, has been clear.³⁶ These protests are reasonable, this strategy of differentiation posits, because we all have the right to opt out of participation in rituals of patriotism even if it offends some people. Yet even though the 49ers, veterans, and Obama, were supporting Kaepernick in one way, they rarely engaged the real reason that has motivated Kaepernick to protest. Even when mentioning that he was brave for trying to get the U.S. to live up to its ideals and principles, his supporters typically avoided getting much more specific

³⁵ Danielle Diaz, "Obama Defends Kaepernick's Anthem Protest," CNN, September 29, 2016, http://edition.cnn.com/2016/09/28/politics/obama-colin-kaepernick-nfl-national-anthem-presidential-town-hall-cnn/.

³⁶ As of October 2, 2016, the date of this essay's completion by the authors.

than that. While Kaepernick and a few other NFL players engaged in transcendence, and thus focused on the broader social issues that sparked the protest, other responses, especially in national discourse and in the media, have focused on the specific sideline actions rather than the players' motivations for wanting to protest in the first place. This is especially true of statements *in defense* of Kaepernick from team officials. Such rhetorical maneuvers appear supportive at first glance, but they actually work to diminish the protest's aims.

One of the most common reactions to Kaepernick has been somewhat at odds with itself. Many of the seemingly more reasonable and calm responses—as opposed to those demanding Kaepernick move out of the country—have essentially argued that the person understands Kaepernick's right to protest, *but that he should use other methods*. Such a response serves only as a partial defense of his kneeling/sitting, but then quickly pivots to negate the initial defense of his actions. In other words, these simultaneous supporter-critics are essentially saying, "you can protest, but you can't protest in that location nor in that manner," leaving would-be protesters with few, or no, options to express any ideas at all.

As a result, many confounding responses have been made in (partial?) support of Kaepernick. Army Ranger Dorian Majied argued, "To refuse to stand for the National Anthem is his right as an American, and I support that right, however I do not agree with that action."³⁷ Here, Dorian Majied seemingly at first understands that U.S. citizens have the right, and he supports it, but then he talks himself out of that position just as quickly. Other responses were more complex but no less confusing. Jim Harbaugh, former head coach of the 49ers, said in a press conference, "I respect his right to do that, but, um, I don't respect the uh [long pause] motivation or the action."³⁸ In a follow-up tweet allegedly sent to clarify his statements, Harbaugh said that he did support Kaepernick's "motivation" but not his *method* of protest. In an NFL Network broadcast, former NFL player and current sports media personality, Heath Evans, offered a rather confusing and jumbled explanation of why he (apparently) simultaneously does and does not defend Kaepernick: "I respect any man that will stand up for his beliefs." Several sentences later. Evans said that Kaepernick "does not understand why he is standing for our flag Our country doesn't stand for racism. Our country, our flag, our national anthem, stands for freedom."³⁹ Fellow NFL quarterback of the New Orleans Saints, Drew Brees, had this to say, "I wholeheartedly disagree," Brees told ESPN's Mike Triplett on Monday. "Not that he wants to speak out about a very important issue. No, he can speak out about a very important issue. But there's plenty of other ways that you can do that in a peaceful manner that doesn't involve being disrespectful to the American flag."⁴⁰ In these examples, Kaepernick is granted the right to speak out, but his critics work to forcefully limit the ways he can do so, often in contradictory and confusing ways. These statements leave Kaepernick with few options. He can protest, apparently, but only in exactly a manner that offends no one (leaving him, most likely, with no option at all.)

Such a line of criticism is nothing new, however; in 1967 rhetorical critic Franklyn Haiman observed that one common method of objecting to protest is to suggest that, "in an orderly society,

³⁷ Justen Charters, "Army Vet Tells Kaepernick What He Should be Doing Instead of Sitting Out Nat'l. Anthem," *Independent Journal Review*, http://ijr.com/2016/08/681907-army-ranger-vet-tells-colin-kaepernick-what-he-should-be-doing-instead-of-sitting-out-natl-anthem/.

³⁸ Dan Murphy, "Jim Harbaugh: 'I Don't Respect' Action of Colin Kaepernick's Protest," ESPN, August 30, 2016, http://www.espn.com/nfl/story/_/id/17416931/former-san-francisco-49ers-coach-jim-harbaugh-respect-colin-kaepernick-actions.

³⁹ Murphy, "Jim Harbaugh."

⁴⁰ Murphy, "Jim Harbaugh."

there must be prescribed and proscribed times, places, and manners of protest."⁴¹ Critics, who also attempt to suggest they are supportive, accept (at least in principle) the right to protest but argue that protesters should use other methods, in other places, and at other times. Often by simply engaging in protest, however, Kaepernick becomes unpatriotic, much in the way that peaceful protesters are often called violent thugs who need to get jobs. This generates a situation where African-Americans, for example, have the right to protest *in theory* but every actualization of that right is greeted with calls that they are protesting "the wrong way."⁴² Such efforts to control the means of protest ultimately end up silencing marginalized populations from voicing any discontent at all.

In this essay, we have examined the rhetorical strategies of Colin Kaepernick and his allies as they were called to speak in defense of his protest. By utilizing the classical rhetorical genre of apologia, we have discovered that Kaepernick's explanation attempted to transcend the initial actions in an effort to focus on larger structural issues surrounding race and violence in the United States. Conversely, other defenders of Kaepernick used differentiation to defend the act of kneeling or sitting during the anthem as patriotic, or at the very least as inoffensive, so that his act could remain an individual right. However, this rhetoric also ignores the original motivation behind the pregame protests and fails to engage in a meaningful conversation about injustice and inequality in the United States, focusing instead on who is "offended" or "disrespected"—and whether or not they ought to be—by a few football players' pregame sideline actions during a patriotic display at a sporting event.

⁴¹Franklyn S. Haiman, "The Rhetoric of the Streets: Some Legal and Ethical Considerations," *Quarterly Journal of Speech* 53: 2 (April 1967): 100.

⁴² Matt Reimann, "People Have Been Telling Black Activists How to Protest for 150 Years," *Timeline*, July 13, 2016, https://timeline.com/black-lives-matter-protest-tactics-33bd8e753429#.a6n3rxtwp.