

THE BUSINESS OF PRO FOOTBALL: AN INSIDER'S PERSPECTIVE 10.02.13

A recap of the discussion featuring...



DeMaurice (De) Smith

Executive Director of the National Football League Players' Association (NFLPA), the union for professional players in the National Football League (NFL). Under Smith's leadership, the NFL players negotiated a historic 10-year collective bargaining agreement (CBA) with NFL owners in August 2011. The new CBA achieves unprecedented benefits for players, including new health and safety protocols in effect throughout the season and into retirement, the first compliance and accountability structure for NFL medical personnel, and the players' highest share of TV contract revenues in history. Prior to his work with the NFLPA, Smith was a trial lawyer and litigation partner in the Washington, D.C. offices of influential law firms Latham & Watkins and Patton Boggs. Before his tenure in the private sector, Smith served as Counsel to then-Deputy Attorney General Eric Holder (now United States Attorney General) in the U.S. Department of Justice.



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Roger O. Crockett

President of R.O. Crockett Leadership Advisory, he is a speaker, writer and adviser on business leadership issues. He helps companies create thought leaders by providing strategic thought-leadership solutions. He is editor-in-chief of the award-winning newsletter *In The Lead* and co-producer of the online video series *Leadership In The Field: Interviews With Global Leaders*. Previously, he was an award-winning journalist for *BusinessWeek* magazine, where he interviewed icons such as Dwyane Wade and Tiger Woods about the business of their sport.



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On Wednesday, October 2, 2013, Smith made time for a special visit to the Metropolitan Club of Chicago to join Roger Crockett for an early morning fireside chat in the Club's Oak Room on the 66th floor of the Willis Tower. The conversation was the latest in the Met Club's "Executive Speaker Series" sponsored by Heidrick & Struggles. The Series features discussions with prominent executives to give attendees an insider's look at a particular business. After a breakfast of bacon and eggs, fresh fruit, and hot coffee, an estimated 75 executive guests enjoyed the discussion--at times hilarious and other times deeply serious--about doing business with the world's richest sports league, issues of player health and safety, and stereotypes of the modern NFL player. Here is an edited transcript of the Q&A:



Why do you spend so much time traversing the country to visit teams and meet with players?

I really believe that we at the NFLPA are simply an extension of the organized labor movement, the civil rights movement and the battle for human rights. We find ourselves in that never-ending line of organizations of people who get together, bind together and support each other to further and protect themselves. We certainly don't have the same kinds of battles that the Memphis Sanitation workers had to battle in 1968. The sanitation workers strike was started by a group of men earning \$1.60 an hour, and what started the strike was that two of their workers had been crushed in a trash compactor the week before and none of the survivors were able to get workers' compensation benefits. Well, that strike was over health, safety and fair wages.



I love every minute of the NFL experience, but the fact is that only 2,000 people are lucky enough to play this game every year, and the injury rate is 100%. Last year, we had 4,500 injuries. This year also marks the shortest average career length in NFL history at 3.1 years. So, we fight tooth and nail over the benefits that players will need after their football career is over. That's why our union exists, and that's why we make the stands that we make. Sometimes our actions are unpopular. For instance, every coach resents that we took away the two-a-days (two padded practices in a single day). For those of us who played football in high school or college, when we hear "two-a-day" it sends that shiver up our spine and we would rather crush up glass and swallow it than go through two-a-days. But two-a-days no longer exist in the National Football League because it is unnecessary, and statistically it exposed our players to an increased risk of injury. So, when we can figure out ways for our players to work smarter, suffer fewer injuries, enjoy a longer career and require less joint replacements, that's being smart about the workplace of football.



Talk to us about some of the safety provisions you are trying to implement into the league to make sure the players are kept healthy.

I serve at the pleasure of players and am blessed with guys like Jeff Saturday, Cornelius Bennett and other members of our executive committee who are guiding the way in which football as a business should be played going forward. The work rules for our players in this new CBA are intended to change football. To be blunt, we instilled measures in this CBA that are strictly designed to prevent coaches from being able to work guys for as long as they want.



I know there are coaches in the NFL that are upset about it. I know there are owners who are not thrilled. They think what I and the players have done has made it harder to get players ready to play. Well, that's their (the owners' and coaches') job. Their job is to figure out under the rules how to get their teams ready to play. Our concern was that for years we had coaches violating strict rules on how long players could practice. You would have a practice for three hours in pads and then you would have a coach go into the locker room and tell players that there's an opportunity period for players to go back onto the field and practice in pads. The message was: that opportunity was open to anyone who wanted to keep their job.

Our concern was that there were no owners or committees stopping the coaches from doing that. So, it was time for rules to stop the coaches' behavior.



What rules did you strive for to protect player health even into retirement?

In addition to the new safety rules, we increased the neurocognitive benefit so that for the first time it reaches back in time to take care of players who had prior cognitive injuries. We also removed the obligation requiring players to prove their injury was obtained on a specific date during a specific game. The only thing players have to show is that they actually have a neurocognitive injury. Benefits will then go to them and then their survivors. Also, it didn't make much sense to me that in order to get a neurocognitive benefit a player would have to prove that on a certain Sunday 10 years ago they suffered a concussion on a certain play and that was the cause of their early dementia or Alzheimer's. So, the new rules only require players to show they have the injury. If they have the injury, they get the benefit.





How are you addressing players afflicted with depression?

We took polls of our players four years ago in regards to depression and mental illness, and that led us to create programs that are in existence today where any player, anytime, anyplace can access counselors, psychiatrists and psychologists to help them. We have the ability to place any player in the world, including former players, into a program within 48 hours, free of cost. Mental health is a huge issue for us and as you know a huge issue among players who like to wrap themselves up in a cloak of indestructability.



The other thing we discovered is that the strongest people in our football community are the players' wives and significant others. During the lock-out, the league cut off health insurance for mothers who were pregnant. When we went to the backbone of our players: the wives, mothers, girlfriends and significant others, they were the ones who led us to create lock-out funds for our players so that they could purchase COBRA. But the business of football is as violent and as confrontational as the 2007 collision between Reggie Bush and Sheldon Brown [in the NFC Divisional Playoff game]. Our job is to use every resource we can to protect our families.



You've been negotiating with the league on measures to address the problem of drugs and alcohol in the NFL. What update do you have on where that battle stands?

We try to educate players about the dangers and help to wean them off their dependency on alcohol or drugs. We also just announced a new partnership with Uber, a worldwide car service. We've had free ride service for our players since I've had this job, but during our research we discovered that very few players will take the affirmative step upfront to arrange for car service because they don't intend to drive under the influence. Uber is designed to give players a ride once they are at a given location. Every player has a \$200 rider credit that is paid for by the NFLPA. If they tweet or talk about Uber, they get more credits.



We do our best to educate our players about making smart decisions. We're not trying to avoid punishment for driving under the influence, but we try to help players understand that they have a personal responsibility to not only look out for themselves but their brother.



And where do things stand in regards to testing for performance enhancing drugs like HGH?

The reality is almost everyone has naturally occurring HGH in their system. And when it comes to testing, very few people understand how the test works. The World Anti-doping Association has the exclusive test for determining if an athlete has improperly taken HGH. But they will not tell you or us how they reach a determination of an unlawful level of HGH. Their approach hasn't been peer reviewed or scientifically tested.



We agreed to test all 3,000 players in camp for HGH at the beginning of the season. The league and the NFLPA agreed on a scientist who would conduct the analysis and establish a standard. If there was a large positive group, they would go into reasonable cause testing. The Commissioner said he agreed, and I signed a letter authorizing the population study which remains on Roger Goodell's desk un-signed. The league is insisting on the Commissioner hearing *all* the appeals brought by players.



Well, that could take months, years.

Or it could take 0.5 seconds for a man to put his signature right next to mine.



How are players responding to the new on-field player rules regarding brutal hits?

When on-field hits result in either a flag or a fine, the new CBA includes neutral arbitrators, who are former players and coaches picked by both the union and the league, and they hear the appeal from players. We believe that is a good dispute resolution system.



Do you remember the hit that Sheldon Brown leveled on Reggie Bush in 2007? It was one of the most devastating hits of all time. I represent both Sheldon Brown and Reggie Bush: The man receiving the hit and the man delivering the hit are members of our union. I want both of those men to not only enjoy the game, but I also want them to be able to remember their children's

names when they are in their 50s. I want them to be able to pick up their grandkids. I want both of them to be able to walk down steps without pain. So, if the cost of that is modifying football to make it safer, I'll never apologize for taking those stands for player safety. And it seems to me that's not only the moral thing to do, but it's the right thing to do.

As football changes over time, it morphs and evolves. But the idea that there is something called football that is this inviolate mass of something that doesn't change and doesn't morph is a fiction. Today's football isn't the same football that I played when I was in high school.



If you could wave a magic wand and eliminate one negative false stereotype about football players in general, what would that be?

That they are gladiators. If there is one word that I abhor when people talk about our men, it's the word "gladiator". Jeff Saturday is not a gladiator. The fundamental core of the gladiator game model is that the people in the stands believed that the people in the middle of the coliseum were somehow less than themselves.



If I could wave a magic wand, it would be to ensure that people acknowledge that while the game is violent and sometimes brutal, the beauty of it is that the person doing it is just like you and me. Sure they have physical talents that are unlike ours, but what really makes our players different is their will, courage, drive and fight--especially, what they are willing to subject themselves to in order to play a game at the highest level. The day that we separate ourselves from the reality that they are just as human as our own sons and daughters, to me we are taking away from the true beauty of the game. If we are somehow able to believe that the people playing the game are less than us, football becomes a guilty pleasure. It shouldn't be.