

Free to Disagree: The Protests, the Anthem, and Free Speech

written by Tim Jennings, M.D. | September 30, 2017



By now, everyone has heard the news reports about NFL players kneeling during the National Anthem, the president tweeting that such behavior is offensive, and that the kneeling players should be fired. This resulted in a media backlash claiming that the players have free speech rights protected by the Constitution and that the president is encouraging the violation of those rights.

As a U.S. Army Veteran who served eight years active duty and nine years in the Reserves, I bring this issue up not to take a position on the kneeling, nor on the president's statements, but because this is an excellent moment for us to practice the skill of discernment. I want to stimulate people into thinking for themselves, to pierce through hyperbole and hysteria, and to differentiate the reality from mere perception—to separate fact from fiction.

First, let's lay out the facts as I know them:

- Some players have knelt during the National Anthem to make a statement of protest
- Some U.S. citizens have found this irritating, disrespectful, and offensive
- The emotional discomfort that some experience, and their subsequent reactions, is the purpose of

the kneeling

- The outrage and complaining against the kneeling has further fueled the protests
- President Trump's actions have given more strength to the protest movement by bringing so much attention to it

Now let's use our discerning powers on some of the allegations: The media has been quite vocal—in article after article—that the president's demand that the NFL fire players for kneeling during the playing of the National Anthem would be a violation of the players' constitutionally protected free speech. Is this allegation true? And perhaps more important, do they really mean it?

Hmmm. Ask yourself for one moment what would happen if an NFL player used a racial slur during an interview, or put swastikas on his personal car, or perhaps even flew the Confederate Flag outside his home? Or what if some players tied special bandanas on their sleeves to protest the kneeling protests? As offensive as some of these expressions are, such speech is protected by the First Amendment. Yet I think we all know that NFL owners would immediately take action to discipline—if not fire outright—such players. And in firing them, almost everyone, and most certainly the media, would insist that those players' free speech rights would not be violated, because they are still free to express themselves; it's just that the NFL is also free not to employ them. In other words, the Constitution protects people's right to free speech—not the right to employment.

I am not supporting the president's position that the NFL should fire those who kneel during the anthem. I'm only pointing out that to do so would not be a violation of their free speech rights. They are free to speak; they don't have a right to force employers to employ them regardless of their speech. Employers throughout U.S. history have set all kinds of speech limits—dress codes, for instance— that if not followed will result in discipline and even termination (the NFL has a strict dress code policy that it rigidly enforces).

Again, my purpose here is not to pick a side, but to say don't get caught up in the media hype and allow others to put false ideas into your mind or to manipulate your emotions. At the end of the day, when we love others as God loves us, we recognize their behavior tells us about them, so we present the truth in love, but leave them free.

Are we mature enough to allow others to kneel during the playing of the National Anthem, yet still appreciate and value the nation that protects the right of that person to protest its flag? Do we recognize that if this country was not founded on such godly principles of freedom, that the protesters wouldn't have the freedom to protest in the first place? In many places of the world (e.g., North Korea and many Middle Eastern countries), such protests would not be tolerated. In other words, the protests demonstrate how amazing the freedoms and privileges—written into the founding documents of the United States and to which the flag represents—really are.

Next time a media storm over some emotionally charged issue arises, stop and think through the facts for yourself and come to your own conclusion, and then choose to be a person who presents truth in love, but leaves people free—this is the road to peace and harmony in our society.