

Seattle University School of Law Digital Commons

Faculty Articles

Faculty Scholarship

2015

Michael Sam: Upending NFL Heteronormativity with a Piece of Cake

Bryan Adamson

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/faculty>



Part of the [Law Commons](#)

Recommended Citation

Bryan Adamson, Michael Sam: Upending NFL Heteronormativity with a Piece of Cake, 17 *Tex. Rev. Ent. & Sports L.* 33 (2015).

<https://digitalcommons.law.seattleu.edu/faculty/744>

This Article is brought to you for free and open access by the Faculty Scholarship at Seattle University School of Law Digital Commons. It has been accepted for inclusion in Faculty Articles by an authorized administrator of Seattle University School of Law Digital Commons.

Michael Sam: Upending NFL Heteronormativity With a Piece of Cake

Bryan Adamson*

Through the ensuing furor over ESPN and the NFL Network's coverage of Michael Sam's draft we heard so many people—even well-meaning people—say that there was nothing wrong with Sam being gay, but that ESPN should not have aired the kiss and celebration between Sam and his partner Vito Cammisano.¹ We can be quite certain that the St. Louis Rams' draft of Sam (7th Round, No. 249 overall) would have been a non-story had Sam kissed a woman and smeared cake on her face. But because Sam didn't, those of us who welcomed the revolution found ourselves having conversations about heterosexual privilege.

At the time of the Rams' announcement last May, there was a good deal of talk in the news about privilege—white privilege. For example, Princeton freshman-cum-right-wing sensation Tal Fortgang's adolescent tirade against the concept of white privilege—or rather, his rant against what he *thinks* it is.² Then there was former Los Angeles Clippers ex-owner Donald Sterling's bigoted babble about how he has done more for black folk than black folk have done for each other.³ There was also rancher Cliven Bundy's far-reaching life experiences that apparently bestowed upon him the select ability to tell us “*one more thing*” he “*know[s]*” about the Negro.⁴ The vehement reactions to Sam's televised lip-lock with Cammisano were an odious variation on the privilege theme. Sam and Cammisano's affront to heteronormativity occurred in the cultural cauldron of hyper-masculinity and homophobia—the National Football League. The affront was staged on an electronic platform whose most devout audience externally recreates and reproduces that same heteronormativity. Now, there were many who persuasively argued that purely on the merits, Sam should not have been drafted at all. Considering Sam's release by the Rams, and subsequent release by the Dallas Cowboys⁵, there may have been some merit to the claim. Nevertheless, on NFL Draft Day, Sam made history. Sports history. Media History. Human history.

The NFL Draft is one of the most anticipated televised sporting events of the year. On May 10, 2014, it was aired by ESPN and other networks,⁶ on digital and mobile platforms,⁷ and

* Associate Professor of Law, Seattle University. B.S., Ph.B., Miami University; M.A., Purdue University; J.D., Case Western Reserve University.

1. See, e.g., Matt Wilstein, *ESPN Host: I Respect Those Who Don't Want Michael Sam Kiss In Their Face*, MEDIAITE, May 12, 2014, <http://www.mediaite.com/tv/espn-host-i-respect-those-who-dont-want-michael-sam-kiss-in-their-face/>; Sean Newell, *Ugly America Responds to Michael Sam Kissing a Man on ESPN*, DEADSPIN, May 10, 2014, <http://deadspin.com/ugly-america-responds-to-michael-sam-kissing-a-man-on-e-1574591627>.

2. Editorial, *Why I'll Never Apologize For My White Male Privilege*, TIME MAGAZINE, May 2, 2014, <http://time.com/85933/why-ill-never-apologize-for-my-white-male-privilege/>.

3. CNN Interview, *CNN Exclusive: Donald Sterling Insists He's No Racist, Still Slams Magic Johnson*, at <http://www.cnn.com/2014/05/12/us/donald-sterling-interview/>.

4. Ta-Nehisi Coates, *Cliven Bundy Wants to Tell You All About 'the Negro'*, THE ATLANTIC, April 24, 2014, <http://www.theatlantic.com/politics/archive/2014/04/cliven-bundy-wants-to-tell-you-all-about-the-negro/361152/>.

5. Ken Belson, *Rams Cut Michael Sam, First Openly Gay Player Drafted in N.F.L.*, NEW YORK TIMES, August 30, 2014, http://www.nytimes.com/2014/08/31/sports/football/rams-cut-michael-sam-first-openly-gay-nfl-draft-pick.html?_r=1

6. Draft Day coverage simultaneously aired on the NFL Network and ESPN2. Sara Bibel, *Record 45.7 Million Viewers for 2014 NFL Draft*, TV BY THE NUMBERS, May 12, 2014, <http://tvbythenumbers.zap2it.com/2014/05/12/record-45-7-million-viewers-for-2014-nfl-draft/263063/>.

watched by at least 45 million people.⁸ Well before the announcement, ESPN producer Seth Markman and his television crew were outside Joe Barkett's San Diego home. Barkett, Sam's agent, was hosting a watch party with Sam and their closest friends, including Cammisano. The ESPN crew was inside, prepared to capture the moment if and when Sam got the news. When Sam did—around 6 p.m. Pacific Standard Time, the crew apparently had no compunction about keeping the cameras rolling.⁹

And this is what we saw:¹⁰

At the bottom of the television frame was a ticker of the draft's prior picks. Above the ticker was a strip of text overlay. The left portion of the strip identified the next two teams with upcoming picks, and the remainder identified ESPN draft analyst Mel Kiper's¹¹ "best available" prospects for the upcoming teams. Sam and Cammisano are in the center of the screen—the camera's subject. Cammisano stood next to Sam as Sam took Rams Coach Jeff Fisher's phone call.

It is not just *any* two men touching from mid-waist up. One is African-American and physically large. The other man, shorter, smaller, and white. Cammisano is wearing a bluish-gray, button-down shirt. Sam is wearing a fuchsia-colored Izod short-sleeved shirt. He is holding a cellphone in his right hand, the ring finger of which sports a large, thick gold band—his University of Missouri 2013 Southeastern Conference East championship ring. On his wrist, Sam is wearing a multicolored wristband—a relatively ubiquitous symbol of gay identity.

As Sam's ear is to his cellphone, Cammisano strokes and caresses Sam's left arm. While we don't hear what Fisher is saying, over the course of two-minutes, we witness Sam voicing intermittent responses ("Yes . . . Yes, sir . . . Yes sir. . ."), audibly crying, and bending as if weak from overwhelming emotion. Cammisano rests his head at Sam's shoulder, caresses Sam's arm, and when the phone call is done, they engage in several brief kisses and embraces. As they continue their embrace, a text strip appears above "Mel's Picks." To the left of the Rams' logo are two pronouncements: "Michael Sam drafted in the 7th Round (249th overall)," and below that line "First openly gay athlete drafted into the NFL." The camera cuts to a wide shot of the room. We see several other celebrants cheer and applaud.¹² It might have been more than enough if all viewers had to do was get their heads around the notion that a man wearing a fuchsia colored shirt with a Gay Pride wristband on one arm and his male partner on the other had just joined the NFL. But the icing on the cake was, er, the cake.

Shortly after Fisher's phone call, Sam, Cammisano, and their friends continued their televised celebration. Based upon much responsive commentary, if the first series of pecks between Sam and Cammisano did not cause viewers to fume, they were sent into conniptions

7. E.g., websites ESPN, WatchESPN.com and mobile application WebNFL simulcasted the Draft. Report: *All-Time High for First Round of the 2014 NFL Draft on ESPN*, TV MEDIA INSIGHT, May 9, 2014, <http://www.tvmediainsights.com/tv-ratings/time-ratings-high-first-round-2014-nfl-draft-espn/>.

8. Dina Gachman, *2014 NFL Draft Tops Nielsen Twitter TV Ratings*, FORBES, May 12, 2014, <http://www.forbes.com/sites/dinagachman/2014/05/12/2014-nfl-draft-tops-nielsen-twitter-tv-ratings/>.

9. ESPN however, in later posting the segment on its website ESPN.com, edited out the kisses. Josh Levin, *Watch as Michael Sam Gets Drafted, Kisses His Partner on ESPN*, SLATE, May 10, 2014, http://www.slate.com/blogs/the_slatest/2014/05/10/michael_sam_kiss_the_st_louis_rams_pick_the_openly_gay_missouri_star_in.html.

10. NFL.com, *Sam Reacts To Being Drafted*, May 10, 2014, <http://www.nfl.com/videos/nfl-draft/0ap2000000349399/Sam-reacts-to-getting-drafted>.

11. Mel Kiper is a highly regarded ESPN analyst. See Judy Battista, *A Mom-and-Pop Draft Empire*, New York Times, April 3, 2009, p. B10.

12. Associated Press, *ESPN Producer Shocked By The Uproar Of Michael Sam's Kiss As It Was 'Just Another Moment'*, UK DAILY MAIL, May 12, 2014, <http://www.dailymail.co.uk/news/article-2626144/No-hesitation-networks-airing-Sam-reaction.html>.

when Sam smeared cake on Cammisano's face, licked some off, and then kissed him. At that very moment, legions of folk apparently lost their collective mind.¹³ Sam's and Cammisano's clowning—thrillingly—shook heteronormative values, and those who hold fast to them, to the core.

The outrage over Sam's celebration wasn't because he cried—we've long been accepting of seeing men shed tears. Strictly speaking, the outrage wasn't about the male-to-male affection demonstrated. Again, we've seen it before as television history is rife with examples of men—as friends, brothers, fathers and sons, even lovers—kissing each other. The outrage also was not from learning that Sam is gay. Long before Draft Day, Sam had been living his life as an openly gay man while a defensive lineman for the Mizzou Tigers. Moreover, even the casual sports fan likely knew of his orientation, if for no other reason than the media—especially sports media—had made Sam's sexuality a narrative tease and click-bait headlines in the days leading to the draft.¹⁴

I contend that the outrage stemmed from seeing the kisses, spurring the inescapable reality that Sam was no longer gay in the abstract—but a living, breathing, gay, football-playing man who kissed men. On a deeper level, the centerpiece of their celebration—that cake play—triggered discomfort because Sam and Cammisano appropriated a ritual we are used to seeing performed by a man and a woman, and were being authentically playful and romantic while doing so.

Sam was now a concrete threat. In constructing a world of heteronormative hyper-masculinity, NFL culture simultaneously implies that it does not include women, and men “like” Sam. His presence in the NFL would squarely challenge the core tenets of masculine performance, discursive practices that serve to demark gender difference, and heterosexuality. For players and fans alike, Sam in the NFL would blur traditional constructs of sex and gender roles, calling into question masculinity itself. That fact made Sam's drafting just too much.

It was certainly too much for ESPN commentator Stephen A. Smith who, while admitting he had not yet seen the cake segment of the footage, nevertheless had an opinion about it. Smith said that while he was all right with the first kiss, the cake celebration was over the top, and his response to Sam and Cammisano at that point would have been to “get a room.”¹⁵ While Smith went on to qualify that his directive should in no way be interpreted to suggest he is homophobic,¹⁶ it is unlikely he would have made such a comment if it had been a man and a woman engaged in such behavior, like Tom and Gisele.

A valid response to Smith's outrage is to call out the hypocrisy. Only those unwilling to engage in a true examination could dismiss the fact that the NFL Draft teems with homoeroticism anyhow. As one sociologist described, the draft is an occasion to witness an

13. There were at least 20 complaints filed with the FCC decriing ESPN for showing such ‘obscenity.’ Lindsay Toler, *‘Totally Disgusting:’ 19 FCC Complaints About Michael Sam Kissing His Boyfriend on ESPN*, RIVERFRONT TIMES, June 23, 2014, http://blogs.riverfronttimes.com/dailyrft/2014/06/totally_disgusting_19_fcc_complaints_about_michael_sam_kissin_g_his_boyfriend_on_espn.php. See also, e.g., Levin, *supra* note 10.

14. See, e.g., Nate Silver, *The Odds Michael Sam Will Be Picked in the Draft*, FIVETHIRTYEIGHT.COM, May 6, 2014; Rick Cimini, *Jets keeping Tabs on Michael Sam*, ESPNGO.COM, April 16, 2014; Jason Reid, *Is the NFL Ready to Greet Sam?* WASHINGTON POST, Feb. 24, 2014, p. D1; Lorenzo Reyes, *Vincent: Gays Not New to the League*, USA TODAY, April 25, 2014, p. C5;

15. *First Take* (ESPN television broadcast May 12, 2014), <http://m.nationalreview.com/article/377781/stephendont-force-everybody-celebrate-michael-sam-kiss-andrew-johnson/>.

16. *Id.*

unabashed “male love affair with the male gender.”¹⁷ The day is full of talk about male physicality, male attributes, male attraction, men owning men, male power, and male desire.

The love affair begins months earlier in January at the Senior Bowl, or at the February pre-draft combines.¹⁸ On those occasions, NFL scouts, managers, coaches, fan-boys and media members converge to *watch* and *assess* male bodies. At the Senior Bowl, for instance, NFL personnel are given dossiers listing players’ weights and arm and hand measurements. Players are directed to strip to their shorts and line up where they are weighed, measured, and inspected. Evaluation sheets are given to men, and the prospects are graded on their physical qualities.¹⁹ Men watch as team personnel evaluate prospects, and media sportscasters offer commentary to the unfolding visual narratives.²⁰ The NFL Draft has drawn parallels to how guys “check out” women in bars.²¹ For former coach and current sports commentator, Jon Gruden, the draft process is about taking “one pretty girl off the board, then another. . . and you get the best looking girl that’s left. . .”²² NFL.com’s former commentator Christine Stewart likened the draft’s associated rituals to a “beauty pageant.”²³ Thus, during the draft, the “love that dare not speak its name” is spoken fairly loudly and clearly. All day, the male body poses for the male gaze. And since the body itself is a discursive object, being interpreted in all manner of description,²⁴ during the draft, the male body is *all text*, and *all* the text.²⁵

All the rites, rituals, and conversations associated with the whole enterprise are consciously designed to make the male body a legitimate object of the male gaze.²⁶ That’s why the virulent homophobic responses to Sam and Cammisano were downright ironic.

Stewart’s “pageant” metaphor is straightforwardly apt. It perfectly captures the masculine ideal the NFL creates for itself, because masculinity is not a state of being, but a *performance*. From the womb, we are all ontologically unstable.²⁷ We are assigned a sex, but are also assigned to search for our “authentic self.”²⁸ Gender and its expressions, either masculine or feminine, are perhaps the most consequential aspects of that identity quest.²⁹ Through a host of

17. Thomas P. Oates, *The Erotic Gaze in the NFL Draft*, COMM. AND CRITICAL/CULTURAL STUD., Vol.4, No.1 (March 2007), pp. 74-90, 81 (quoting Mariah Burton Nelson).

18. Oates, Thomas P. and Mecnakshi Gigi Durham, *The Mismeasure Of Masculinity: The Male Body, 'Race' And Power In The Enumerative Discourses Of The NFL Draft*, PATTERNS OF PREJUDICE, Vol. 38, No. 3 (2004), pp. 301-320, 304-05 (post-modern sociologists envision the body as “text, as a sign, as a cultural construction, as a performance.”); Oates, *supra* note 18 at 77-78.

19. At this juncture, space nor personal sanity will allow me to digress into the parallels of the NFL’s acquisition processes to the auction blocks of slavery, the institutionalization of imposing inferior signifiers upon black bodies through science (e.g., phrenology), or historical examples of the genocidal outcomes from “scientiz[ing]” and ‘statisticiz[ing]’ the body in ways that are intended to mark it, make it productive and otherwise colonize it.” Oates and Durham, *supra* note 19 at 305.

20. Bryant, Jennings, Paul Comisky, and Dolf Zillmann, *Drama in Sports Commentary*, J. OF COMM. (Summer 1977), pp. 140-148 (discussing television and commentators as mediating text).

21. *Id.*

22. Oates, *supra* note 18 at 82.

23. *Id.* at 81.

24. Oates and Durham, *supra* note 19 at 305.

25. SUSAN BORDO, *THE MALE BODY: A NEW LOOK AT MEN IN PUBLIC AND IN PRIVATE* 186 (New York: Farrar, Straus and Giroux 2000) (“[T]he most compelling images are suffused with ‘subjectivity’—they speak to us, they seduce us.”)

26. *Id.*

27. Kiesling, Scott F., *Homosocial Desire in Men's Talk: Balancing and Re-Creating Cultural Discourses of Masculinity*, 34 LANGUAGE IN SOC'Y 695-726, 701 (2005).

28. *Id.*

29. Susan Alexander, *Stylish Hard Bodies: Branded Masculinity in Men's Health Magazines*, SOC. PERSP., Vol. 46, No. 4 (Winter 2003), 535, 539. See also, DONALD F. SABO, *SPORT, MEN, AND THE GENDER ORDER* (Michael A. Messner & Donald F. Sabo, eds. 1990).

socializing agents, we consciously and unconsciously read, then mimic marks of masculinity or femininity.³⁰ We assign masculine performances to men and privilege those performances vis-à-vis women.

In its idealized form, the masculine type we culturally construct is hegemonic.³¹ To maintain that ideal, men are conditioned to incessantly engage in self-surveillance of their performance, and fiercely police the performance of others. As a result, gender practices are configured and re-created in a way that guarantees the masculine ideal's dominant position to women and anyone else along the continuum.

Sociologist Scott Kiesling has located four dominant performance sites of hegemonic masculinity: discourses which enable us to demark gender difference; those which allow for the demonstration of heterosexuality; discourses of hegemonic masculine dominance; and paradoxical at first blush—those performed in creating homo-social male solidarity.³² Through formal and informal codes of appearance, behavior, and seeming (if not *being*), these performances are enacted and legitimated.

To be sure, Keisling's sites of masculine discourses define the NFL culture. Toughness, aggressiveness, physical and (let's be clear, *hetero-*) sexual prowess are all critical identity markers, institutionalized. On the gridiron, (displaying brute force, dominating opponents through physical strength), in the locker room (e.g., homo-social fraternity *in conjunction with heterosexism*), and off the field (all four),³³ masculinity prevails.

At its apogee, demarking hegemonic masculinity breeds homophobia and misogyny. In knowing this, we evaluate the NFL's handling of Ray Rice's assault upon his then-fiancé Janay Palmer,³⁴ or the most venomous verbal attacks on Sam ruefully conclude with a "but of course." The type of masculinity endemic to professional football subordinates other "abnormal," "unnatural" bodies, such as Janay's and Sam's, *insisting* that it can bear *no* resemblance whatsoever to those bodies.³⁵

Sadly, that same insistence is reinforced by legions of NFL fans. Fan reactions of outrage can only be explained by heterosexually privileged presumptions that are completely and utterly ingrained into our social system. Those presumptions are visible and invisible, conscious and unconscious, reflexive, and subsumed into our very being. For those most invested in preserving hegemonic masculinities in NFL fan culture, Sam was a personal affront to their sense of self as they live within the constructs of the heteronormative world they have helped create.³⁶

Whether playing a video game, fantasy football, or in pick-up game fun in a park, football fans reify heteronormativity in their viewing and recreation habits. The NFL Draft is an occasion on which the male fan consummates *his* love affair with the male gender.³⁷ As the

30. Alexander, *supra* note 30 at 539; Richard Collier, *Masculinities, Law, and Personal Life: Towards a New Framework for Understanding Men, Law, and Gender*, 33 HARV. J.L. & GENDER 431, 435 (2010).

31. Connell, R.W., *An Iron Man: The Body and Some Contradictions Of Hegemonic Masculinity*, in Messner and Sabo, *supra* note 30, pp. 83-95; Collier, *supra* note 31 at 436.

32. Kiesling, *supra* note 28 at 701.

33. *Id.* at 702-703.

34. Katie McDonough, *NFL's Next 'Woman Problem': Why Domestic Abuse Is Only The Beginning*, SALON December 11, 2014, http://www.salon.com/2014/12/11/nfls_next_woman_problem_why_domestic_abuse_is_only_the_beginning/.

35. Sabo, *supra* note 30 at 39. See also Seymour Kleinberg, *The New Masculinity of Gay Men, and Beyond*, in BEYOND PATRIARCHY: ESSAYS BY MEN ON PLEASURE, POWER, AND CHANGE (Michael Kaufman, ed. 1987).

36. Connell, *supra* note 32 at 83.

37. Brummett, B., & M.C. Duncan, *Theorizing Without Totalizing: Specularity and Televised Sports*, THE Q. J. OF

overwhelming majority of draft viewers are men, it is also an event that allows male viewers to practice hegemonic forms of masculinity in—more or less—socially acceptable ways.³⁸

The love-fest unfolds through social engagement and discursive performances with other men gathered around, and engaging with, a television screen. Draft Day is a mediated spectacle during which the visual and aural narratives put the audience in the owner's shoes.³⁹ The inveterate fan shows clear preferences for "his" team, its players, and how well his team is managed.⁴⁰ Fans talk, behave, and role-play as players, coaches, team owners, and even prospects.⁴¹

It is heard in the banter: fans develop their social identity around football teams and their in-groups.⁴² A fan will talk about "his" players or select prospects as if he were the team owner. In social conversations with in-group members about opponents, ego involvement transforms the "I"s to "we"s, and football becomes a game not of "you v. me," but "us v. them."⁴³ Those same fans also exhibit coping behaviors with team decisions, team players, and prospects they don't like.⁴⁴

The day of the draft is a particularly intense social event during which men, as spectators, recreate the hegemonic masculinity on display.⁴⁵ These spectators watch the draft together, in social milieus suffused with a "fem-phobic" (sexist) and homo-phobic cultural ethos.⁴⁶ Especially for those whom communication scholars and sociologists refer to as "highly identifying" (i.e. avid) fans,⁴⁷ self-esteem and self-identities are intricately linked to their preferred teams and performers.⁴⁸ Therefore, for highly identifying, highly offended fans—especially those proud, straight St. Louis Rams backers—there were negative psychoanalytic implications to watching Sam get the call.⁴⁹

They had to watch—helplessly—as Sam was granted entry as (to borrow a phrase from gay culture) a "member of the team"—*their* team. This fact was inconsistent and incompatible with their attitudes not only about the game of football, but about their team and their heteronormative identity. The strike to one's masculine identity alone could explain much of the vitriol. However, viewing Sam's draft with others likely amplified the anger. For those spectators in a room reeking of hyper-masculine brio, conforming behaviors of signifying and face-saving likely took hold. Rams fans (even those happy that a gay man was selected) could

SPEECH 76 (1990), pp. 227-246, 230.

38. Howie, Luke and Perri Campbell, *Fantasy Sports: Socialization and Gender Relations*, J. OF SPORTS AND 39(1) SOC. ISSUES 61, 65 (2015).

39. Oates and Durham, *supra* note 19 at 317.

40. Daniel L. Wann, Katrina Koch, Tasha Knoth, David Fox, Hesham Aljubaily, Christopher D. Lantz, *The Impact of Team Identification on Biased Predictions of Player Performance*, THE PSYCHOL. REC. 55 (2006); Howie and Campbell, *supra* note 39; Spinda, John S.W., *Perceptual Biases and Behavioral Effects Among NFL Fans: An Investigation of First-Person, Second-Person, and Third-Person Effects*, 5 INT'L J. OF SPORT COMM. 327, 330 (2012).

41. Oates and Durham, *supra* note 19 at 307-308; Brummett and Duncan, *supra* note 38 at 236.

42. Spinda, *supra* note 41 at 329.

43. Wann, et. al., *supra* note 41 at 61-62 (discussing the 'black sheep' effect in which fans maintain their loyalties to a team while rejecting a team member); cf. Michael A. Hogg, Scott A. Reid, *Social Identity, Self-Categorization, and the Communication of Group Norms*, 16(1) COMM. THEORY 7, (2006)..

44. Wann, et. al., *supra* note 41 at 60.

45. Kiesling, *supra* note 28 at 702; Marci D. Cottingham, *Interaction Ritual Theory and Sports Fans: Emotion, Symbols, and Solidarity*, 29(2) SOC. OF SPORT J. 168 (2012).

46. *Id.* at 64.

47. Wann, et.al., *supra* note 41 at 56.

48. Howie and Campbell, *supra* note 39 at 63.

49. Cottingham, *supra* note 46 at 171; Brummett and Duncan, *supra* note 38 at 234.

not cheer for Sam in that setting, even if they secretly wanted to because, of course, what would their friends think? (“You are who you pick, bro.”).⁵⁰

For other fans disgusted by the draft of Sam, their heteronormative ideals about the game were shattered as well, and where, and with whom, they watched also had doubtless influence. But as fans of other teams, at least they could declaim Sam and Fisher’s decision from an ontological distance. Considering the fact that for all these spectators, Sam had just invaded the irredeemably heterosexual fan’s hyper-masculine refuge, *in front of his hyper-masculine friends no less*, the fury over the kisses and the cake was as predictable as it was marked.

Particularly jarring was that the fury smothered any rational consideration of its underpinning, i.e., heterosexual privilege. A person enforcing, bearing, or unwittingly complicit in heterosexual privilege perhaps never considers how they benefit from it. The privilege demands that two men can never be seen to engage in behaviors we all take for granted when performed by a man and a woman: holding hands in public, having a picture of your wife/girlfriend (if you are a man) or husband/boyfriend (if you are a woman) on display at your work desk; being able to have an inane conversation in mixed company about how much fun your weekend was with you and your wife/girlfriend (if you are a man) or husband/boyfriend (if you are a woman). Those lacking self-awareness of the heterosexual privilege never consider how they can perform those acts in social situations without concern for others’ violent reactions.

One benefitted by the privilege will never face the prospect of adverse physical, emotional, psychological or economic consequences when family or friends find out he is straight. Hell, he will never be asked why he “chose” to be straight. He will see people like him positively presented on nearly every television show, in every movie, in every commercial, on every live sporting event’s “Kiss Cam,” and he will never give the privilege of that spectacle a second thought. At worst, the spleen engendered by the privilege oppresses and even punishes difference through hazing, harassing, assault, and even murder.

In the context of this unyielding hyper-masculine culture within and around the NFL, and the associated physical and psychological risks, Sam’s willingness to openly live his life is all the more inspiring. Sam’s willingness is emboldening especially to young African-American boys who, like him, aspire for greatness in the sport of their choice. And in what Sam has experienced, his race cannot be ignored. His sexuality is intertwined with his race. Like all gay African-Americans, Sam’s identity is shaped by both. One universal credo of the hegemonic masculine experience is the “unnaturalness” of homosexual desire. Heterosexual privilege and white privilege do not operate in silos, nor is homophobia the province of white heterosexuals.

I can personally testify to instances of managing my sexual identity not only out of concern for adverse consequences as a gay man, but as an *African-American* gay man. This was especially so in my early days as one of the few African-American lawyers in my law firm, and even as a law school professor. Experiencing what was more broadly perceived at the time as stigma within the corporate America (being black) and in my African-American communities (being gay), I was only aided by finding, and holding on to, those like me who supported my mind, body, and spirit, and those not like me who nonetheless supported me. Gay African-Americans must constantly negotiate their identity in spaces where privilege based on race, class, gender and sexual identity thrive in a repressive matrix. Sam’s challenge was to do so in the context of the NFL’s culture of masculine heterosexual privilege to which men of all races subscribe.

50. Cottingham, *supra* note 46 at 171; Hogg and Reid, *supra* note 44 at 12-13.

Those livid by the sight of Sam's celebration would demand that he not be gay. Some would even wish that he were not African-American. Being only slightly more charitable, they would then say if Sam must be gay, then he has no business in the NFL. But if he must be in the NFL, then he must not be *openly* gay. If Sam *must* be openly gay, then he must remain an *abstraction*, gay in name only, untethered to signs, signifiers, and symbols of being gay. He must not have a partner, and certainly not a *white* partner. Sam's gayness must never—never, ever, ever—be on “display,” or “in our face.” What most offends is the subtext, the inference that Sam's detractors refuse to recognize how their own misguided, unexamined privilege informs these attitudes. Worse, those same detractors go on to insist without irony that they have the right to make such demands and have those demands enforced upon another human being.

Sam will not be the first openly gay NFL player. By all credible accounts (including his own)⁵¹ there are, and have been, gay football players out to their teams. And, to be entirely fair, the strong outpouring of love and support for Sam by his past and future teammates, journalists, opinion-makers, fans and influential NFL leaders is a testament to how far we have come,⁵² and how the NFL is striving to expand what it means to be masculine in sports culture. Consider the fact that it never occurred to the ESPN camera crew *not* to air the celebration, kiss and all, or the astounding backlash from all levels in response to the ignorant tweets by Dolphins player Don Jones and Mississippi basketball player Marshall Henderson.⁵³

Some people are genuinely not comfortable with public displays of affection, of any kind, by any one, and that's fine. Even those who are gay or gay-supportive may have been discomforted by the affection demonstrated by Sam and Cammisano because of its utter newness in the NFL context. People legitimately in those camps get a pass. However, those who insist that those of us like Sam be who we are only in the abstract and only in private do not get a pass. They deserve no voice to demand something they would never demand for themselves.

Predictably, many objectors tethered their offense to their religious biases—that Leviticus stuff about man not lying with man, etc. Some of those objectors went as far as to decry the “liberal” media's double standard, claiming a “universal” outpouring of support for Sam's expression in contrast to derision foisted upon former Denver Broncos quarterback Tim Tebow for his ritualistic praying.⁵⁴ There are a few observations to be made about those fastening their homophobia to the Good Book.

First, if ESPN's looping of the Sam kisses and their subsequent reverberation on other networks and in cyberspace, turned the personal into political and gave hope to those gay somebodies suffocating in their closets out of fear—the more the better. I'm with journalist LZ Granderson: I've not heard of anyone committing suicide because they were prevented from expressing their religious beliefs.⁵⁵ If incessant airing of the kiss helped move being homosexual into the world of professional football and our social fabric even a bit, we are better off for it.

51. *Oprah Prime* (OWN Network television broadcast December 27, 2014).

52. Chase Goodbread, *NFL Commissioner Roger Goodell Welcomes Michael Sam*, NFL.COM, February 12, 2014, <http://www.nfl.com/news/story/0ap2000000325478/article/nfl-commissioner-roger-goodell-welcomes-michael-sam>; *Michael Sam's Teammate: "Proud of my Bro Mike for Finally Coming Out,"* SPORTS ILLUSTRATED, February 9, 2014, <http://www.si.com/nfl/audibles/2014/02/09/teammate-proud-of-michael-sam>.

53. Associated Press, *Dolphins Player Rebuked for Negative Tweet About Michael Sam*, HUFFINGTON POST, May 10, 2014, http://www.huffingtonpost.com/2014/05/10/dolphins-don-jones-sam-tweet_n_5303351.html; Laken Litman, *Marshall Henderson is "boycotting SportsCenter" Over Michael Sam Kiss*, May 12, 2014, in <http://ftw.usatoday.com/2014/05/marshall-henderson-sportscenter-michael-sam-kiss>.

54. Cal Thomas, *Cultural Double Standard: Michael Sam, Tim Tebow and Free Speech*, FOX NEWS, May 16, 2014, <http://www.foxnews.com/opinion/2014/05/16/cultural-double-standard-michael-sam-tim-tebow-and-free-speech/>.

55. *Granderson: Kiss a Sign of NFL Progress*, VIDEO AT CNN.COM, May 12, 2014, <http://www.cnn.com/videos/bestof/2014/05/12/sot-ath-michael-sam-kiss-reax-lz-granderson.cnn>.

Frankly, there are many things I'd prefer over watching Tim "Te-bowing" for even the most marginal happenstance ("I didn't get a hangnail taking that snap. Thank you Jesus.").

Second, it must be believed that those invoking Leviticus in their anti-Sam rants demonstrated consistency in their convictions. For example, they must have deluged the television networks, the NFL Commissioner, and even Mr. Tebow himself with irate phone calls or web posts when Mr. Tebow announced that he was celibate⁵⁶—celibacy being, you know, abnormal, the doctrine of "demons." (1 Timothy 4:13). Certainly they must have penned strongly worded letters to NFL team owners, demanding that they institute a stoning policy for players who commit adultery. (Deut. 22:22).

But perhaps they did none of those things. They probably don't even watch professional football anyhow since learning that the NFL allows players to shave their beards, (contra Leviticus 19:27), permits tattoos (contra Leviticus 19:28), and lets them get divorced (contra Mark 10:1-13; Matt. 19:9). Were *any* of those NFL transgressions the target of righteous indignation? I think not.

Despite, or perhaps as indicated by, the vociferous objections, ESPN's decision to air Sam's draft selection to the St. Louis Rams, and everything we saw, heard, and read during those moments, was groundbreaking. Markman thoughtfully noted that airing the kiss between Sam and Cammisano was entirely consonant with the sport's ritual.⁵⁷ "[F]or more than 30 years [ESPN] has shown plenty of players kissing their girlfriends" after learning they were selected by a team.⁵⁸ Touche. But going further, Markman added that ESPN was not there "to make a political statement."⁵⁹

Yeah, whatever. I'm not mad at you. But whatever.

Images are *never* innocent. Perhaps above anyone, content creators know that. They know that the decision behind which images to capture, frame, or transmit is never apolitical. How the images Markman chose to show were interpreted by the spectators is, as well, imbued with ideological selectivity. We cannot escape a placement of the images such as that of Sam and Cammisano's smeared cake into the context of their production, or especially into the social context in which they were seen.

Gays, lesbians, bisexuals and transgendered people have longed to see more of ourselves and our relationships reflected in places and contexts not only historically closed off to us, but downright hostile. Television continues to play an important, if not a vanguard role moving us forward. Yet, it is one thing to see LGBT representation in the fiction that is *Modern Family*, or *Will and Grace*, but to see an authentic male-to-male kiss on the news? At a live event *not* called the Tonys, Emmys, or Oscars? But a live *sports* event like the NFL draft? Well, how about that?

Non-fiction same-sex kisses, when they happen on television, break boundaries. As one significant example, the 2011 repeal of Don't Ask/Don't Tell was a moment for the television age as well. The repeal allowed us to finally articulate a real narrative from images of enlisted

56. Eamon Brennan, *Tim Tebow Admits Virginity; Florida Quarterback Basically Perfect In Every Way*, NBC CHANNEL 5 NEWS, July 28, 2009, <http://www.nbcchicago.com/news/sports/Tim-Tebow-Admits-Virginity.html>. See also, Dan Barry, *He's a Quarterback, He's a Winner, He's a TV Draw, He's a Verb*, THE NEW YORK TIMES, January 14, 2012 Saturday, Late Edition – Final, p. A1.

57. Chuck Schilken, *Michael Sam Draft-Day Kiss Was Too Much For Some to Watch*, LOS ANGELES TIMES, May 12, 2014.

58. Associated Press, *Networks Don't Hesitate on Sam*, ESPNGO.COM, May 12, 2014, http://espn.go.com/nfl/story/_/id/10921644/michael-sam-coverage-networks-was-business-usual.

59. *Id.*

men and women as their whole selves: heroes coming home for the holidays and into the arms of their same-sex partners—just as we witnessed heterosexuals do for well over 50 Christmastimes. The image of that kiss and that cake was a moment for the ages as well. Gil Scott-Heron was right: the revolution will not be televised.⁶⁰ But finally, thanks to Msrs. Sam and Cammisano, and ESPN, the revolution is finally being reflected.

That revolution is being reflected because of a piece of cake shattered the NFL's heteronormative constructs. Oh, that cake. It is great not to be gay in the abstract.

60. GIL-SCOTT HERON, *The Revolution Will Not Be Televised*, on SMALL TALK AT 125TH AND LENOX AVENUE (Flying Dutchman Records 1970).