

CASE 5-B**CONCUSSION BOUNTY: IS TRUST EVER WORTH VIOLATING?**

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By any measure, 2011 was a terrible year to be a New Orleans Saints fan. Less than two years after winning the Super Bowl, the team, its coach, and many of its players found themselves the subject of the most serious penalty the National Football league had ever levied. The reason: the team's defensive coordinator (who was subsequently suspended indefinitely from the league) had run a "bounty system" where Saints' players were rewarded financially for "cart offs" and exceptionally hard hits. Among the main targets were opposing players who had already sustained concussions.

Filmmaker Sean Pamphilon was working on a documentary about former Saint Steve Gleason, who has the neurological disorder ALS—Lou Gehrig's disease. In his research, he discovered the bounty system among defensive players in the Saints locker room. Pamphilon's more recent work includes a documentary about the NFL, *The United States of Football*, released in 2013. In his 2011 film, Pamphilon recorded defensive coordinator Gregg Williams urging players to target an opponent with a history of concussions before a playoff game. "The NFL's a production business," Williams said. "We'll never forget about it. . . . Kill the head and the body will die. Kill the head and the body will die. We've got to do everything in the world to make sure we kill Frank Gore's head. We want him running sideways. We want his *head* sideways" (Mooney 2012).

Pamphilon released the audio recording during the NFL's investigation of the bounty system over the objections of Gleason and despite heavy public criticism. Gleason opposed releasing the speech because he did not want to violate the trust of the Saints who had cooperated in making the documentary.

The conflict between Gleason on the one hand and Pamphilon on the other illustrates the confounding nature of contemporary discussions about privacy. In earlier times, privacy was often binary—it was something you had or something you did not. Today, that binary world is full of greys.

First, keeping the audio record of the speech "private" could be considered ethically appropriate if maintaining the trust of essential

sources is the primary goal. But, there were other interests to consider, among them the physical well being of the players who became the focus of the cart offs and hard/illegal hits, the integrity of the documentary film itself, and the NFL investigation, which had potential criminal overtones.

Micro Issues

1. What, if anything, should Pamphilon have said to Gleason after he made the decision to release the tape over Gleason's strenuous objections?
2. Saints' management knew that Pamphilon was filming the documentary although not the specific footage. What difference, if any, does that make in Pamphilon's choice?
3. Saints' quarterback Drew Brees urged Pamphilon to wait to release the tape. How should Pamphilon have responded to this argument?

Midrange Issues

1. How does the decision to release the tape fit the concepts of right to know, need to know, and want to know?
2. Would a sports journalist, as opposed to a documentary filmmaker, have a different set of obligations? If so, what would they be? If not, why not?
3. *Sports Illustrated's* Peter King blasted Pamphilon in his widely read "Monday Morning QB" column. "Pamphilon betrayed the wishes of a dying man and a former very close friend by releasing the tape; that much we know," King wrote. "This is one of those cases where what's legally right shouldn't matter. What's morally right should. What's morally right is that Pamphilon, who never would have heard what Williams said without being attached to Gleason, shouldn't have released the tape without Gleason's permission . . . I cannot find it in my heart to quite call Pamphilon a rat, but I cannot call him a hero either." How would you respond to King's evaluation?

Macro Issues

1. The NFL is a multi-billion-dollar-a-year business. How does that influence your thinking about risks that Pamphilon took in making this decision?
2. Apply Ross' theory of duty to the ethical issues this cases raises.

3. Pamphilon continues to be an active documentary filmmaker. How do you think this decision will influence his ability to make films? To the relationships he will need to develop with the sources for his documentaries?

CASE 5-C

JOE MIXON: HOW DO WE REPORT ON DOMESTIC VIOLENCE IN SPORTS?

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In 2014, Joe Mixon was a five-star football recruit who had signed on to play for the Oklahoma Sooners football program. During the summer of 2014, Mixon was in Norman, Oklahoma, for offseason workouts and practices with his new college team.

In July, Mixon was out with some of his teammates at the Campus Corner restaurant in Norman. According to witnesses, Mixon and his teammates were harassing one female student, Amelia Molitor, and one of her friends before they followed them into the restaurant. Mixon and Molitor exchanged words, with the incident escalating after Molitor shoved Mixon and then slapped him in the neck.

Mixon, a 6-foot-1 running back, punched Molitor in the face, knocking her to the ground and causing her to hit her head on a table nearby. Mixon then left the restaurant while someone helped Molitor get back on her feet. Molitor suffered broken bones in her jaw, cheekbone, and face. Molitor had to have her mouth wired shut and claimed that for six months she could not feel the left side of her face.

Following the incident, Mixon was charged with a misdemeanor but agreed to a plea bargain of a one-year probation, cognitive-behavior counseling, and 100 hours of community service. Mixon also was suspended by the team for the 2014 season. In effect, his suspension ended up becoming a redshirt year, a normal event in the lives of many athletes at major universities, where a player gets five years of education for four years of competing.

After Mixon fulfilled the terms of his plea, he was allowed to return to the team in 2015. Mixon performed well on the field, and the Sooners won the Big XII Conference championship in 2015 and 2016.

Nearly two years after the incident, Molitor filed a lawsuit against Mixon. In it, Molitor accused Mixon of negligence, willful and wanton