



VISION STATEMENT

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NEW LEADERSHIP IS NECESSARY

The relationship between the NFLPA and the NFL is broken, and the players are suffering the consequences. Over the course of nearly a decade, that relationship has disintegrated, and during that time, current NFLPA Executive Director DeMaurice Smith has failed to protect the economic and other interests of NFL players. The 2011 CBA is a testament to these dreadful circumstances. Through that agreement, the players have forfeited hundreds of millions of dollars annually, the Commissioner enjoys an extraordinary blank check with respect to player discipline, and the players are prevented from maximizing their careers and livelihoods on and off the field.

In sharp contrast to the prior CBA, under which player revenue outpaced owner revenue, the 2011 CBA accelerates owner revenue at a pace that *far exceeds* player revenue. Indeed, from 2011-2016, owner revenue outpaced player revenue by roughly \$2.5 billion. Under the 2011 CBA, the players fell behind from the start and have stayed behind. To quote the Boston Globe: “No matter how you slice it, the owners obliterated the NFL Players Association and . . . DeMaurice Smith in the 2011 negotiations.”

The next Executive Director of the NFLPA will negotiate the next CBA. The stakes for players right now could not be higher. New leadership is necessary.

Although the players suffered massive economic setbacks since De Smith has been Executive Director of the NFLPA, the average NFL franchise value has more than doubled, from \$1.02 billion to \$2.34 billion.ⁱ Smith has simply been unable to leverage that extraordinary increase to the benefit of the players.

Moreover, in 2011 Smith relied on the courtroom instead of the inherent strength of the collective will of the players - committed members of the NFLPA - which exacerbated the massive economic harm to players when they received a predictable defeat in federal court in the backdrop of the CBA talks. Having spent most of his career representing the most powerful as a prosecutor and a lawyer for corporations, Smith's work experiences are a poor fit for the task at hand, fighting for workers. As a result, his playbook is thin and predictable and repeatedly plays into the hands of the owners.

It's not just about the money, though. The CBA grants the Commissioner a blank check to do whatever he chooses with player discipline: empowering him to investigate rule violations, impose sanctions for the rule violations and, amazingly, *preside over appeals of his own decisions*. Our system for resolving labor disputes in this country, particularly discipline, is based on appeals to independent arbitrators. The U.S. Supreme Court has long ago proclaimed that labor relations would be best served with the expeditious resolution of labor disputes through

final, fair and binding arbitration. Simply stated, the NFL must not have the unilateral and unfettered discretion and authority to make the final decision on player discipline.

To compound matters, this dreadful CBA has a ten year term (longer than the CBA in any other major American sports league), and because the average NFL career has dropped dramatically from about 5 years to just 3.25 years during Smith's tenure, generations of NFL players have had to and will have to suffer the consequences.

Although Smith has tried in multiple lawsuits to chip away at the sweeping disciplinary authority the CBA gives the Commissioner, the litigations have failed, cementing the Commissioner's unchecked power, dealing NFL players unprecedented economic and non-economic setbacks, and costing players millions of dollars in legal fees, all the while affirming the obvious: the Commissioner has a blank check on discipline (see attached quotes from Court opinions).

The Washington Post, in a recent article, put the position of NFL players in relation to the League in the bluntest possible terms: "NFL players 'are sitting at the children's table' when it comes to money, career stability and balance of power."

In sum, in football terms De Smith has thrown one Pick Six after another and has repeatedly fumbled the ball to the detriment of the players.

The players deserve better. From a young age, NFL players put in extraordinarily hard work to master their craft and excel at the game they love. Most people go their whole lives without finding the kind of purpose these young men have found or the success they have achieved. Every time they step on the field, they show courage and the mix of mental and physical strength that makes football America's most popular game.

Unfortunately, NFL players' careers are on average short and getting shorter. Their stature in society is fragile. They deserve a union that will maximize their success at every stage of their careers and after they are done playing, a union that will work to lengthen their careers so that more players get to their second and third contracts where wealth is created, a union that will fight to protect the players and the game they love. They deserve a union with new ideas and innovations. They deserve a union that will give voice to the causes and concerns of NFL players and will groom them for leadership roles and healthy lives when their playing careers conclude.

Although a dysfunctional, poisoned and polarized relationship between the NFLPA and the NFL has reigned for almost a decade, it is not a given and should not be the norm. A bird cannot fly, let alone soar, with broken wings. With Cyrus Mehri as a strong and experienced workers' advocate at the helm, the NFLPA will strategically partner with the League to propel the game to new heights, and the players will reap the benefits.

Willingness to Fight and Win

Cyrus Mehri has been fighting Corporate America on behalf of workers for over 25 years, and he has a track record of fearlessness and success. He has led or co-led some of the largest and most significant race and gender cases in U.S. history and in doing so has gone up against some of America's most powerful companies: Texaco, the Coca-Cola Company, Ford Motor Company, Morgan Stanley, John Hancock, Smith Barney, Wachovia/Wells Fargo, and many others. His results have been groundbreaking, including his settlement with Texaco, which resulted in a \$176 million award for discrimination, his settlement with Coca-Cola, which resulted in a \$192 million award, and his successful challenge to Wall Street firms resulting in over \$114 million in payouts. More importantly, the hallmark of Cyrus' settlements has been innovative programmatic relief designed to ensure the workers' well-being going forward.

Cyrus has been called "Corporate America's Scariest Opponent"ⁱⁱ and one of "Washington's Ten Most Feared Lawyers".ⁱⁱⁱ The *New York Times* explains that, "Mr. Mehri's vision for Corporate America involves sweeping change, not the piecemeal kind,"^{iv} while *Fast Company Magazine* says, "He is something of a one-man army in the battle against business as usual... His impact – both in terms of penalties and remedies – is undeniable."^v Furthermore, Cyrus' experience and expertise in protecting workers' rights have resulted in his inclusion on labor-related advisory boards at Farmworkers Justice and the Peggy Browning Fund as well as the opportunity to champion a proposal to the Securities and Exchange Commission calling on U.S. Boards of Directors to focus on the important and often unappreciated role of workers to the success of U.S. companies.

Cyrus is not afraid of any company, and he is not afraid of the NFL. He has succeeded against companies far bigger and far more powerful than the NFL. He will challenge the NFL on behalf of the players just as he has challenged so much of Corporate America on behalf of workers. Importantly, Cyrus has achieved success not by demonizing organizations, but by lifting them up to reach their potential to inure to the benefit of his clients, the workers. He will do the same with the NFL. NFL players will never have a more effective advocate.

Long Track Record of Impact in the NFL Community

Like his track record outside of the NFL, Cyrus' track record of success in the NFL is exceptional. As a co-founder with the late Johnnie L. Cochran Jr. of the Fritz Pollard Alliance, Cyrus developed the Rooney Rule concept and worked with the NFL along with NFL legends John Wooten, Kellen Winslow, Harry Carson and Coach Tony Dungy to institute and implement it. Entering the 2017 season, a record 16 NFL Clubs are led by a minority head coach or general manager. Starting with Coaches Tony Dungy and Lovie Smith in 2007 through Coach Ron Riviera in 2016, 10 Super Bowl Clubs have been led by a minority head coach or general manager, showing the power of diversity.

Cyrus' work in this regard is featured in the Pro Football Hall of Fame and the Smithsonian's newly opened National Museum of African American History and Culture. The success of the Rooney Rule has inspired major companies, state and local governments, universities, and even much of the U.S. Senate to adopt similar measures of reform. Cyrus has worked closely with the union of professional soccer players in the United Kingdom (the Professional Footballers Association ("PFA")) – and has facilitated conversations between the NFL and PFA – as the PFA instituted a form of the Rooney Rule in the English Football League. Concerned that the Wonderlic Test underreported the true attributes of NFL players, Cyrus also co-created the Player Assessment Test, which is administered every year at the Combine to reveal to Clubs the football smarts and intangibles of prospective NFL players and to assist coaches in developing players' potential. In addition, he has over the years made many recommendations to the Commissioner with respect to racial and gender diversity and inclusion, leading to, among other things, creation of the League's diversity and inclusion officer position, expansion of the Rooney Rule in various ways, and establishment of the groundwork for the record number of women breaking barriers and occupying leadership roles at the League office and with the League's Clubs.

His recommendations have also prompted the League to increase its focus at the Club level on working with players so as to prevent off-the-field violence in the family and community.

During these 15 years of creating positive change in the NFL community, Cyrus has worked with two different Commissioners and numerous EVPs and SVPs at the League office as well as Club owners, presidents, general managers, and head coaches throughout the League. He is uniquely positioned to partner strategically with the League in moving America's favorite sport and favorite sports league forward. Importantly, what he has accomplished with the League has not always come from a cooperative posture. Indeed, his first interaction with the League, pushing for increased racial diversity among coaches, was in the context of threatened litigation. Cyrus has proven the ability to stand up to League leadership and make them appreciate his view. He will vigorously fight for players – past, present and future – without regard to artificial barriers. Having successfully battled companies far bigger and more powerful than the NFL on behalf of workers for over 25 years, Cyrus has a dynamic playbook to deploy on behalf of NFL players that will keep the owners off balance and on the defensive if and when necessary.

Throughout his career – when challenging Fortune 500 companies on behalf of workers and when challenging the NFL on issues of equality and workplace fairness – Cyrus has been a catalyst for transformative change. He will be the same as Executive Director of the NFLPA.

Under Cyrus' leadership, the NFLPA's emphasis will be on effective negotiation, not ineffective litigation. We will hold each other to the highest standards of individual and collective accountability and deploy resources to players and their families to minimize off-the-field issues and maximize citizenship, personal responsibility, and leadership. Players on each Club will be challenged to register to vote, to stand up to injustice, and to set an example for others. NFL players represent the best of America and we will handle ourselves in a manner such that all of America will see that. Moreover, NFL players will be afforded opportunities during and shortly after their careers to catapult themselves as future leaders of our nation. Displaying hard work and drive, NFL players have shown at a young age that they have what it takes to be future leaders in their communities, and the country needs their leadership. Cyrus will revitalize the NFLPA to maximize the success, health, and future of NFL players.



1. Advancing Labor and the New Golden Era of Labor-Management Relations for the Players' Benefit

- Leverage the goodwill Cyrus has created over the last 15 years to start negotiating a new CBA immediately to begin the climb out of the current adverse deal
- Achieve a new agreement that is fair for the players, good for the game and of substantially shorter duration than the current 10-year deal
- Commence a League-wide listening tour, meeting face to face with players on every team to survey the best ideas within the NFL to advance the game for all stakeholders, including first and foremost NFL players
- Have two Players Association Seats (one for NFC and one for AFC) at the Table with the League's Competition Committee
- Have a Players Association Seat at the Table regarding the League's strategic planning efforts to ensure players' perspectives are respected and considered for the betterment of the Game

2. Advancing Players' Economic Interests and Lengthening Players' Careers

- Reclaim as much as possible of the lost monies – the economic delta – created by the NFLPA in the 2011 CBA and level the economic playing field going forward
- Help expand the NFL's revenue "pie" and ensure that players get their fair share
- Shorten the current 4/5-year period for a second contract to 3 years to align it more closely with the average length of NFL careers
- Eliminate CBA loopholes with respect to the salary cap floor and with respect to the use of the unable-to-perform list to rob players of service time.
- Create a task force that includes NFL head coaches and general managers to reverse the downward trend in career length by significantly lengthening players' careers beyond the current 3.25 years
- Increase roster size from 53 to 60 to enhance player safety and lengthen players' careers
- Reduce the number of preseason games from 4 to 3, while maintaining 16 regular season games
- Trust but verify access to Club financials
- Focus on increasing players' chances of financial success through football by facilitating players' efforts to place portions of their monies in a trust with a co-trustee to facilitate sound financial decision-making

3. Advancing Players' Dignity

- Establish a new system for player discipline with appropriate checks and balances on the Commissioner for the betterment of the Game
- Increase opportunities for players to express their individuality on the field
- Expand health and pension benefits for retired players who built America's Game

4. Advancing the Player as a Person

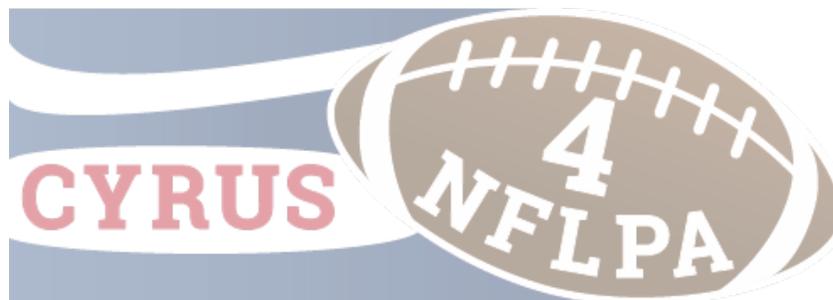
- Provide resources and infrastructure for players (individually and as groups) to engage in charitable giving, community involvement, and leadership in society
- Create genuine services for emotional well-being and addiction, including a 365/24/7 counseling hotline
- Challenge all players to register to vote to highlight the importance of citizenship (the NFLPA will identify local organizations to facilitate)
- Work with NFL Films to highlight the humanitarian work of NFL players
- Work jointly with the NFL to create and implement programs designed to prevent domestic violence

5. Advancing Players' Futures

- Strengthen the Bill Walsh Diversity Coaching Fellowship and the Nunn-Wooten Scouting Fellowship to create and enhance players' post-playing career options
- Create pathways and resources for players who want to pursue coaching, front office and personnel work
- Create an Education Advancement Fund to which players can apply upon retirement for funds to complete an undergraduate degree, pursue a graduate degree, or pursue vocational training
- Reduce the eligibility threshold for all health and pension related benefits
- Establish, through the next CBA, an NFL-sponsored Head Injury Fund from which veteran players can automatically receive neuro-cognitive disability benefits based on a length-of-service formula.
- Work jointly with the NFL to explore alternatives to opioid-based painkillers
- Work jointly with the NFL to provide retiring players individualized health assessments as well as counseling with respect to education and career prospects

6. Advancing Society

- Have the Players Association participate as an active member of the labor community in sharp contrast to its current absentee approach
- Create three new society-advancing preseason games:
 - A Civil Rights Preseason Game that rotates among Cleveland, Los Angeles, and Cincinnati in honor of Bill Willis and Marion Motley (Cleveland Browns) and Kenny Washington and Woody Strode (Los Angeles Rams), who were the first African American NFL players of the modern era, and in honor of Paul Brown who, as coach of the Browns and later founder of the Cincinnati Bengals, brought Willis and Motley into the league.
 - A Labor Strength Preseason Game that rotates among Detroit, Chicago, Green Bay, Pittsburgh and Baltimore in honor of players like John Mackey and labor leaders in U.S. history who fought for the rights of workers.
 - A Veterans Preseason Game that rotates among Dallas, New York, New England, and Jacksonville to honor U.S. veterans and others showing courage to serve our nation.
- Work with the Pro Football Hall of Fame to develop exhibits on NFL history regarding labor and civil rights struggles within the League
- Initiate and sponsor the “Talking Tuesdays” program, under which, each first Tuesday of the month, players with similar charitable and community-centered interests will have the chance to gather – online or in person – to discuss those interests and coordinate their involvements.



NFL PLAYERS DESERVE THE BEST. WE ARE PREPARED TO SERVE THEM.

THE UNITED STATES COURT OF APPEALS
ON THE NFLPA’S BLANK CHECK TO COMMISSIONER GOODELL

The United States Court of Appeals for the 8th Circuit (Adrian Peterson Case - 2016)

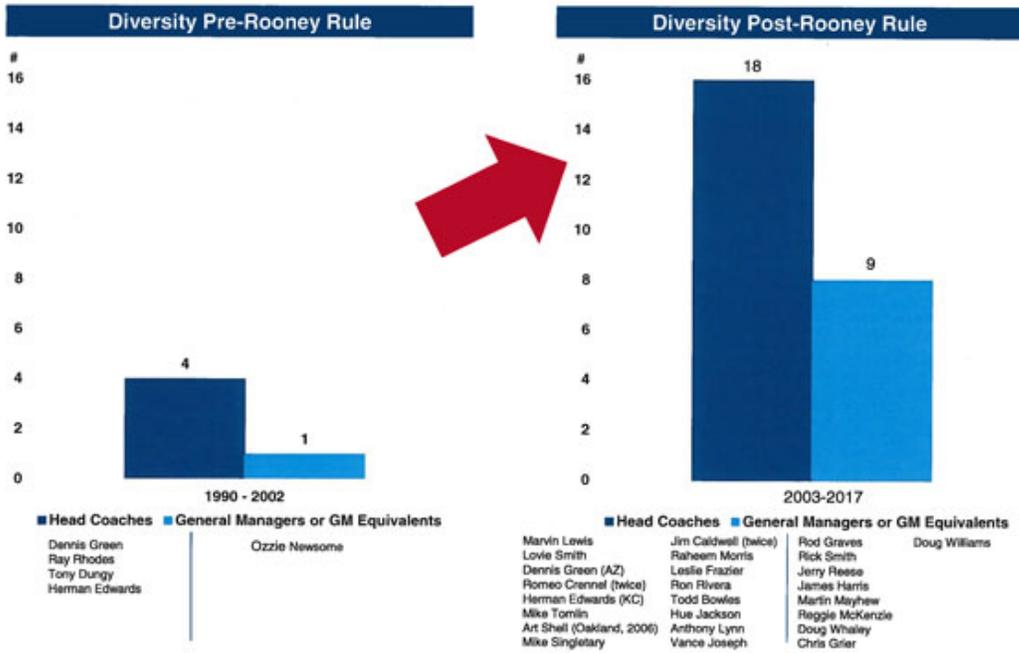
“Allowing the Commissioner or the Commissioner's designee to hear challenges to the Commissioner's decisions may present an actual or apparent conflict of interest for the arbitrator. But the parties bargained for this procedure, and the [NFLPA] consented to it. See CBA art. 46 § 2(a). It was foreseeable that arbitration under the Agreement sometimes would involve challenges to the credibility of testimony from Goodell or other League employees. When parties to a contract elect to resolve disputes through arbitration, a grievant ‘can ask no more impartiality than inheres in the method they have chosen.’” NFLPA v NFL, 831 F.3d 985, 998 (8th Cir. 2016).

The United States Court of Appeals for the 2nd Circuit (Deflategate Case – 2016)

“[A]rbitration is a matter of contract, and consequently, the parties to an arbitration can ask for no more impartiality than inheres in the method they have chosen. Here, the parties contracted in the CBA to specifically allow the Commissioner to sit as the arbitrator in all disputes brought pursuant to Article 46, Section 1(a). They did so knowing full well that the Commissioner had the sole power of determining what constitutes "conduct detrimental," and thus knowing that the Commissioner would have a stake both in the underlying discipline and in every arbitration brought pursuant to Section 1(a). Had the parties wished to restrict the Commissioner's authority, they could have fashioned a different agreement.” NFL Mgmt. Council v. NFLPA, 820 F.3d 527, 548 (2d Cir. 2016).

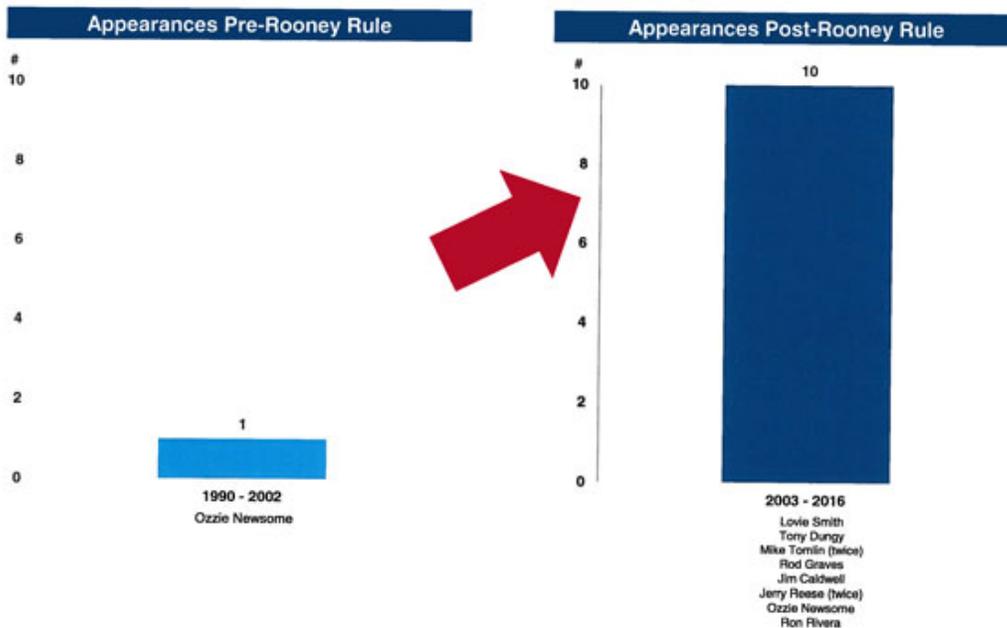
The Rooney Rule

The Rooney Rule, which requires diverse candidates to be interviewed for Head Coach and General Manager positions, continues to drive diversity



Super Bowl/Conference Championship Appearances by Minority Head Coaches or GMs

The Rooney Rule, which requires diverse candidates to be interviewed for Head Coach and General Manager positions, continues to drive diversity



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- ⁱ Mike Ozanian, *The Most Valuable NFL Teams 2016*, Forbes, Sept. 14, 2016, <https://www.forbes.com/sites/mikeozanian/2016/09/14/the-nfls-most-valuable-teams-2016/#59a648c93068>;
Kurt Badenhausen, *The Most Valuable NFL Teams*, Forbes, August 25, 2010, <https://www.forbes.com/2010/08/25/most-valuable-nfl-teams-business-sports-football-valuations-10-intro.html>.
- ⁱⁱ Janet Wiscombe, *Corporate America's Scariest Opponent*, Workforce Magazine, Apr. 2, 2003, <http://www.workforce.com/2003/04/02/corporate-americas-scariest-opponent/>
- ⁱⁱⁱ *Regardie's Magazine*, March / April 2001
- ^{iv} Constance L. Hay, *Private Sector; Making Another Case for Equality*, The New York Times Magazine, July 16, 2000, <http://www.nytimes.com/2000/07/16/business/private-sector-making-another-case-for-equality.html>
- ^v Chuck Slater, *A Reformer Who Means Business*, Fast Company, Apr. 3, 2003, <https://www.fastcompany.com/46369/reformer-who-means-business>