

# **The Man Behind the Commissioner's Ruling**

## **How Kevin Johnson Influenced the Donald Sterling Ruling**



*Kevin Johnson, center, at a news conference in Los Angeles, was said to have the attention of N.B.A. Commissioner Adam Silver almost immediately.*  
*Credit David McNew/Reuters*

**By HARVEY ARATON -- MAY 1, 2014**

When N.B.A. Commissioner Adam Silver announced a lifetime ban of the disgraced Los Angeles Clippers owner Donald Sterling and said he would urge the league's Board of Governors to vote for a forced sale of the team, Silver was widely hailed for his decisive leadership in defusing a burgeoning crisis.

But in tracing the timeline of events that led to the announcement Tuesday, it is apparent that the league's response was shaped as much by the influence of a player turned politician who has no official affiliation with the N.B.A. as it was by Silver's conviction.

Kevin Johnson, a former N.B.A. star who is now the mayor of Sacramento, was able to channel the growing anger among the league's players and made clear to Silver the types of steps that needed to be taken to keep the situation from veering out of control.

With a long history as a fractious group plagued by infighting among empowered player agents and their famous clients, with its last three executive directors departing involuntarily, the players union has not been normally viewed as having a powerful voice in N.B.A. affairs. And it certainly did not seem to be cohesive enough to forcefully deal with the fast-moving, emotionally charged reactions to Sterling's comments.



*Sacramento's mayor, Kevin Johnson, at a Kings game in 2012, was recruited by Chris Paul, the Clippers guard and union president. Credit Steve Yeater/Associated Press*

the TMZ website.

But in this instance, the union's response was notably galvanized from the start, with Chris Paul, the union president, calling Johnson on Saturday morning soon after an audio recording of Sterling making disparaging remarks about black players and other people first appeared on

Paul, the Clippers' star point guard, immediately found himself in the middle of the uproar and needed someone else to guide the union's response. He had already recruited Johnson to head a committee of businesspeople searching for a new executive director of the union, and so it was logical to turn to him again.

In a way, Johnson had almost been looking for such a moment.

In an interview several weeks ago with The New York Times, Johnson said he agreed with the assessment that the players union was adrift amid a \$5 billion global industry and that its "financial power and leverage should be greater than it's ever been," but that it was not.

At the time, Johnson was making telephone calls to the league's top stars, including LeBron James, urging them to imagine a union that could become much more than a collective bargaining agent, one that could demand a seat at the table in confronting the league's most pressing issues.

Suddenly, out of nowhere, here was such an issue, but one more charged than Johnson could have imagined, with the potential to pull apart a league that is about three-quarters black.

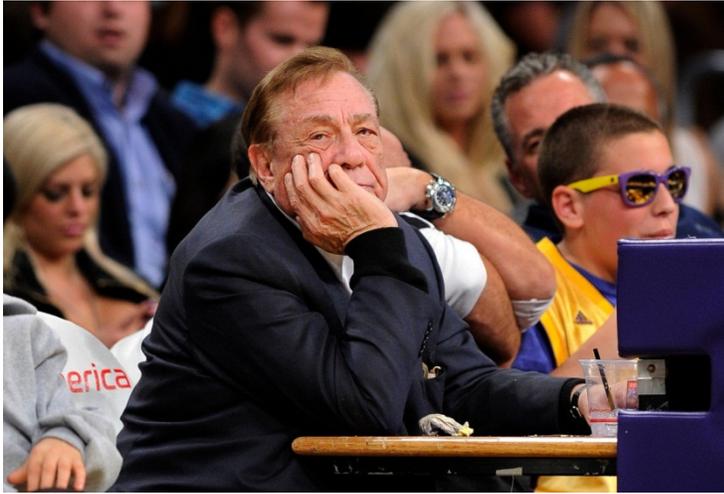
People inside the union and the league office, who agreed to talk on the condition of anonymity given the developing ramifications of the story, agreed that Johnson, with Paul's continual input, had Silver's attention almost from the start once Sterling's comments became public.

Paul, one person in the league said, made the initial contact, calling Silver from Los Angeles early Saturday morning just hours after the Sterling story broke and informing him that he would get Johnson involved.

As the weekend progressed, the person said, Johnson spoke with Silver several times, delivering the message that only decisive action that left Sterling no room to remain actively involved with the Clippers would satisfy the union.

Johnson found other ways to apply pressure. It was no coincidence that by Saturday night, before a playoff game between the Bobcats and the Miami Heat in Charlotte, N.C., James was speaking out forcefully, saying that if the audio was authentic, "there is no room for Donald Sterling in our league."

Other players weighed in on Twitter. A campaign had been organized.



“With social media, the players were able to get a message out quickly in a way they wouldn’t have been able to even 10 years ago,” said **Marc Edelman**, as associate professor of law at the Zicklin School of Business at Baruch College who has written about sports and antitrust law. “Back when Donald Sterling bought the Clippers, only the league had a well-oiled P.R. machine that controlled the message. Now the players also have a voice, and with it, power.”

After James’s opening salvo on Saturday, Silver held a news conference to announce an immediate league investigation. As Saturday night gave way to Sunday morning, Silver answered an email from Peter Vecsey, the former New York Post N.B.A. columnist, who asked what the maximum punishment for Sterling could be.

Silver wrote, “Suspension and a \$1 million fine.” Vecsey soon sent a tweet to his followers, quoting Silver and adding, on his own, “Glen Taylor got year & M,” referring to the owner of the Minnesota Timberwolves who was suspended in 2000 for circumventing league signing rules in relation to the salary cap.

While Silver was exhausted, roiled by the day’s events and wrong about the maximum fine possibility, his response, and Vecsey’s Twitter post, seemed to put the Sterling case in line with past transgressions. That was not what Johnson and the players wanted to hear.

When Silver consulted league lawyers on Sunday, he realized the maximum fine was actually \$2.5 million. He was also told that under Article 35A of the league’s constitution and bylaws, he had “the power to suspend for a definite or indefinite period,” which N.B.A. lawyers interpreted as the right to ban Sterling for good.

By Sunday, the union was telling the league that the players were uncomfortable with calls for the Clippers to boycott their game that afternoon in Oakland, Calif., against the Golden State Warriors. Milder protests were formulated. Still, Johnson continued to let Silver know that he expected him to be swift and tough in punishing Sterling.

They met face to face at the game in Oakland. The next night, on the eve of Silver’s Tuesday news conference in New York, Johnson, in a Facebook post, called Silver’s decision “a defining moment” in the history of a league long associated with social change and progress. He cited Earl Lloyd, the first African-American to appear in an N.B.A. game, in 1950, and Jason Collins, who this season became the league’s first openly gay player.

Near the bottom of his post, Johnson wrote: “At a minimum, Mr. Sterling should be suspended indefinitely, banned from games, slapped with the maximum fine possible, and forced to extract himself from basketball operations. He should be required to name someone from his executive team or family to take over all duties related to the Clippers.”

How much Johnson knew what Silver’s decision was going to be — at his news conference, Silver said he did not reach it until Tuesday morning — is not known. But Silver’s announcement, which included a reference to Lloyd and other N.B.A. pioneers, went beyond the “minimum” that Johnson had advocated.

For the players, said Jeffrey Kessler, a prominent sports lawyer who serves the union as an outside counsel, it was an “empowering experience” and the one Johnson had envisioned.

In an email Thursday, Johnson wrote: “The past few days galvanized the players and they showed the powerful influence they have when they speak in one voice. Situations like the one the players faced this week will build the N.B.P.A. into a stronger union.”

Even after Silver’s Tuesday announcement, the players’ new voice continued to resonate. Later that day, Roger Mason Jr., a union vice president, asserted that the players had talked about boycotting all of Tuesday night’s playoff games if the punishment had fallen short of expectations.

“We were prepared to move forward that way,” Mason told reporters. “We didn’t think that this was just a Clippers issue, so we didn’t want to put the pressure on Chris Paul and Blake Griffin and that team. We wanted to band behind our brothers to do the right thing.”

How much of Mason’s comment was just relieved bravado is not known, either. But to direct talk away from the notion that Silver had acted under the threat of a boycott and to further the partnership with the league, Johnson released a series of Twitter messages on Wednesday.

He wrote in one: “A boycott was never mentioned in my conversations with Commissioner Silver.”

In another: “Commissioner Silver made his decision not because of a threat, but because it was the right thing to do.”

And finally: “Quite frankly, our expectations were exceeded.”

Whether they were expectations or demands or a mixture of both was no longer the point. The players had earned a seat at the table and, in certain ways, had even set it.