

Holes in NFL's 'Deflategate' Report

Exclusive: A high-profile NFL probe into the champion New England Patriots concluded that “it is more probable than not” that quarterback Tom Brady’s footballs were intentionally deflated prior to a January playoff game, but the report sloughs off scientific evidence that undercuts the finding, writes Robert Parry.

By Robert Parry

Perhaps New England Patriots quarterback Tom Brady did conspire with two locker room attendants to deflate footballs below the minimum permissible levels in a big game, but the report by NFL investigator Ted Wells reads more like a prosecutor’s brief than a balanced presentation of the facts as he obscures the collapse of one principal argument for believing in Brady’s guilt.

A key assertion by people accusing Brady was that it made no sense that the footballs used by the Patriots in the AFC championship game last January when tested at halftime would have lost significantly more air pressure than those used by their opponents, the Indianapolis Colts. But scientists hired by the NFL discovered that measurements varied sharply depending on when at halftime the balls were tested.

According to a study by Exponent, a California-based testing firm, footballs lose air pressure during games in chilly, rainy weather, the conditions that existed on Jan. 18, 2015, in Foxborough, Massachusetts, but when returned to the warmth of a climate-controlled room, their air pressure rapidly rises close to the original internal pressure.

Since the Colts were alleging that the pressure of one Patriot football that had been intercepted before halftime weighed below the minimum level of 12.5 pounds per square inch, NFL officials rushed all 11 remaining Patriot game balls into the referees’ locker room and began testing them, finding the balls to be significantly below the 12.5 psi minimum where they were set before the game began. The referees then added air pressure to bring the balls back to legal standards.

After testing the Patriots’ balls, NFL officials turned to the Colts’ footballs, but only had time to test four before the 13.5-minute halftime break ended and the balls had to be returned to the sidelines for the second half.

Of the Colts’ four tested balls, all had lost air pressure when compared to the 13.0 psi that Colts’ quarterback Andrew Luck preferred but not as much as the Patriots’ balls had. However, Exponent scientists noted that much and possibly

all of that discrepancy could be explained by the fact the Colts' balls were tested toward the end of halftime.

Also, one of the four measurements was apparently taken down incorrectly, leaving only three reliable halftime tests on the Colts' balls.

Further uncertainty was injected by the fact that the two gauges used by NFL officials at halftime recorded different measurements, off by a third to nearly one-half psi, and it wasn't clear which gauge was used to test the balls before the game. According to Exponent, the lower of the two gauges referred to in the report as the "non-logo gauge" was the accurate gauge and was most likely used by referee Walt Anderson in his pre-game measurements.

Colts' Underinflated Balls

Ironically, however, if the data from the accurate gauge is used, all three Colts' balls were themselves underinflated, averaging 12.27 psi, thus below the 12.5 psi minimum, but nevertheless those balls were allowed back in the game for the second half.

At the end of the game, four balls from the Colts and four from the Patriots were tested again. Three of the four Colts' balls were underinflated while none of the Pats' balls were. In other words, while the Patriots' footballs were deflated in the first half, the Colts' balls were deflated in both the first half and second half.

Another possible factor why the Pats' balls tested relatively lower in psi could have been the way the balls were prepared before the game. The Pats' balls were rubbed down to remove any slickness while the Colts' balls were left slicker or more water resistant. One of the findings by the Exponent scientists was that wetter balls recovered their psi more slowly than drier balls when brought into a climate-controlled environment.

It also turns out that an initial claim by an NFL official in a letter to the Patriots that one of the Pats' balls had been measured at 10.1 psi, 2.4 psi below the minimum, and that the Colts' balls all met specifications was false. The letter stated: "In fact, one of the game balls was inflated to 10.1 psi, far below the requirement of $12\frac{1}{2}$ to $13\frac{1}{2}$ psi. In contrast, each of the Colts' game balls that was inspected met the requirements set forth above."

In excusing these errors, Wells wrote that the NFL official who wrote the letter drafted it "based on communications with colleagues with first-hand knowledge of events that had taken place at Gillette Stadium. In fact, none of the Patriots game balls measured 10.1 psi when they were tested at halftime. We believe that there was an inadvertent error in communication of the results

"We also note that the statement in the letter about the Colts measurements did not make clear that the Colts game balls inspected met the requirements on at least one of the two gauges used to measure the balls." However, Wells does not note here that the one gauge in which the Colts' balls met specifications was the inaccurate one.

Though the errors in the NFL's letter were almost surely innocent, the media stampede that these initial claims helped set off clearly shaped the PR environment in which the Wells investigation was conducted. The NFL would have looked foolish if Wells had simply concluded that the so-called "deflategate scandal" had been just a lot of hot air or cold.

Argumentative Case

Wells did take note of the question regarding when the balls were tested at halftime but tried to blur the point by suggesting to the Exponent scientists that the NFL officials might have waited a couple of minutes before testing the Patriots' balls and then proceeded immediately to the Colts' balls, thus minimizing the time differences between the measurements.

But that makes little sense because the NFL officials would have realized how little time they had to check the 11 Patriots' footballs and they followed up those measurements by readjusting the air pressure. The testing of the Colts' balls would have likely come at the end of halftime, explaining why the officials only had time to test four before heading back to the field.

The motive for why Wells pressed for the unlikelier time sequence appears to be that the more likely timeline could have provided an innocent explanation for the "deflategate scandal."

There were other signs of bias in the report. For instance, Wells makes a big deal out of the fact that the Patriots organization declined to arrange a follow-up interview with Jim McNally, the part-time locker room attendant who carried the game balls from the referees' locker room to the field and stopped briefly at a bathroom en route. But Wells knew how to reach McNally and could easily have contacted him directly, rather than making the Patriots organization act as middleman and thus making its hesitancy to arrange another meeting look like a sign of guilt.

Wells also zeroes in on sketchy text messages between McNally and John Jastremski, a Patriots' equipment assistant, containing comments about Brady's anger over the apparent over-inflation of the footballs in a home game against the New York Jets in October 2014, with Brady apparently wanting to make sure that NFL referees understood that he liked the psi in Patriot balls to be at the

low end of the 12.5 to 13.5 psi permissible range.

McNally, whose job included interacting with the referees before a game and reminding them of Brady's preference regarding psi levels, joked that he might make sure the balls are over-inflated even more. "Tom sucks...im going make that next ball a fuckin balloon," McNally wrote.

Jastremski noted that Brady apparently was correct regarding the over-inflated balls in the Jets game. "I checked some of the balls this morn," Jastremski wrote. "The refs fucked us ... a few of them were at almost 16" psi. "They didnt recheck them after they put air in them."

McNally, apparently sensitive to criticism that he had not done his job correctly, responded: "Fuck tom ... 16 is nothing ... wait till next Sunday."

Oddly, although the point of the Wells investigation was whether the Patriots intentionally under-inflated the footballs, the text conversations appear focused more on McNally's threats to ensure that the balls were over-inflated, against Brady's wishes.

In another exchange, McNally writes, "Fuck tommake sure the pump is attached to the needle. fuckin watermelons coming. The only thing deflating sun[day] .. is his passing rating."

According to the Wells report, Jastremski and McNally dismissed these comments as joking banter, but Wells detected something more sinister, as he did with references to Jastremski providing "a needle" to McNally, a presumed reference to a needle that is used to inflate or deflate footballs, basketballs, soccer balls, etc.

Though Wells treats the "needle" as if it's some exotic piece of equipment that Jastremski would have to obtain for McNally, these inflation needles can be obtained from any sporting goods store for less than a dollar and are common in any athletically minded American household.

Suspicious Actions

But Wells does compile a number of suspicious circumstances that could support a case of intentional doctoring of the footballs, such as McNally moving the footballs to the field without specific instructions to do so, stopping at a single-toilet bathroom with enough time theoretically to let some air pressure out of the balls, referring to himself in one message as the "deflator," and suggesting that he might take some unspecified information to the sports network ESPN.

Wells also cited Brady's autographing items for Jastremski and Brady's unwillingness to give investigators access to his phone records and text messages, although Wells had the messages between Brady and Jastremski because the Patriots handed over Jastremski's company phone. None of those messages contained any explicit instructions regarding deflating footballs.

Another possible scenario that Wells does not consider is that – if McNally did deflate Patriot game balls in the bathroom – that he did so not on Brady's instructions but because he feared that the referees had pumped them up excessively as they had done before the Jets game, incurring Brady's wrath toward McNally. The Wells report describes McNally watching the refs as they added air to some balls as he reminded them that Brady likes the footballs at 12.5 psi. Perhaps, McNally feared that his pleas had been ignored.

So, while Wells does build a circumstantial case that establishes the possibility of wrongdoing by Brady and the two locker room employees, it is far from conclusive as even Wells acknowledges.

"We have concluded that, in connection with the AFC Championship Game, it is more probable than not that New England Patriots personnel participated in violations of the Playing Rules and were involved in a deliberate effort to circumvent the rules," Wells wrote.

"In particular, we have concluded that it is more probable than not that Jim McNally and John Jastremski participated in a deliberate effort to release air from Patriots game balls after the balls were examined by the referee. Based on the evidence, it also is our view that it is more probable than not that Tom Brady was at least generally aware of the inappropriate activities of McNally and Jastremski involving the release of air from Patriots game balls."

The phrasing, which arguably pumps up the circumstantial case to its outer limits, is lawyerly and vague with its references to "more probable than not," but if there were to be an adversarial proceeding a smart defense lawyer would surely have little trouble deflating the NFL's case.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). You also can order Robert Parry's trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America's Stolen Narrative*. For details on this offer, [click here](#).
