

Deflategate Twist: 31 NFL Teams Are Cheating

Exclusive: In pressing ahead with the absurd “Deflategate” case against Tom Brady, the NFL’s 31 rival owners appear to be using a made-up scandal to get an edge on the New England Patriots and – to put it bluntly – cheat, writes Robert Parry.

By Robert Parry

As the scientific and evidentiary case behind the farcical “Deflategate scandal” has collapsed, what apparently is keeping the matter alive is the desire of 31 rival owners to hobble the New England Patriots by suspending Tom Brady for four games and making his team less competitive.

In other words, when NFL Commissioner Roger Goodell insists that the underlying principle is “the integrity of the game,” he is correct, except in the opposite way that he intends. The rival NFL owners are, in effect, trying to enhance their own chances of winning by sidelining the Patriots star quarterback for one-quarter of the season and stripping the Patriots of two draft picks. It is these owners who are cheating and compromising “the integrity of the game.”



Yet, despite the absurd amount of attention that this story has received – from news outlets ranging from ESPN to The New York Times – this startling reality is either ignored or buried. For instance, ESPN beat reporter Mike Reiss included as one item deep inside [a notebook-style report](#) that Goodell might want to finally drop the matter except that his hands have been tied by the rival owners.

"I think Goodell would do it if that's what 31 other ownership groups wanted, but it was clear as a possible settlement was recently explored behind the scenes that the majority of owners want the full penalty for Brady and the Patriots. Goodell is following their lead," Reiss reported.

I realize that many readers consider this issue too trivial to deserve any attention, but anyone who follows sports should think about what you've just read, that rival NFL owners have intervened to fix the result of what is essentially a labor arbitration matter – and there is additional evidence to back up Reiss's analysis, including Goodell's own report when he rejected Brady's appeal last year.

Goodell admitted that he allowed the Management Council, consisting of rival owners, to weigh in, urging that certain facts be viewed in a way hostile to Brady. Goodell said the Management Council, which controls his \$35 million salary, urged him to view the absence of two Patriots equipment employees at the appeal hearing as proof of Brady's guilt (even though the employees had testified repeatedly in other venues and had consistently denied tampering with the game balls to reduce the air pressure).

So, why isn't this apparent cheating by 31 NFL owners a story that deserves major attention from ESPN or, for that matter, the Times? It's an extraordinary twist in a scandal that has dragged on now for more than 500 days and is now pending before the federal courts.

But part of the problem is that ESPN, the Times and lots of important people bought into the absurd case that Brady somehow oversaw a scheme to have two equipment employees slightly deflate game balls below the 12.5-per-square-inch legal standard though the possible benefit from such a caper would have been miniscule at best. (It also might be relevant in understanding this situation that ESPN has a multi-billion-dollar relationship with the NFL and The New York Times might suffer from the typical New York-Boston rivalry.)

The case, which has cost millions of dollars, is now before the full U.S. Court of Appeals in New York, a management friendly legal venue that the NFL arranged to hear Brady's appeal of Goodell's rejection of Brady's NFL appeal. (A District Court judge overturned Brady's suspension but it was reinstated on a 2-1 vote by an Appeals Court panel.)

Spinning Reality

Beyond the issue of 31 rich owner groups cheating in a major national sport, another reason why this case deserves attention is that it is a microcosm of how powerful entities, whether a corporation or a government, can make anything into

anything, regardless of the absence of evidence or logic. In my nearly four decades in Washington, I have seen this script over and over again, as government propagandists spin sophistry and nonsense into whatever they want.

I realize that this case isn't as serious as manufacturing a *casus belli* for some aggressive war or pinning the blame for some mysterious event on the global *bête noire* of the day – and I know that many people hate Tom Brady and the Patriots for various reasons – but there is a Kafkaesque quality to what the NFL is doing here that anyone who cares about fairness should find alarming. The NFL has dubbed Brady a perjurer and a cheater despite no evidence supporting those serious accusations.

Yet, by now, what happened during the halftime of the AFC Championship game on Jan. 18, 2015, is pretty clear. On a cold and rainy night in Foxborough, Massachusetts, the Indianapolis Colts intercepted a Brady pass in the first half and tested its air pressure, finding it below the 12.5 PSI legal standard. The Colts then alerted NFL officials who used two gauges to measure all the Patriots (and a few Colts) footballs at halftime.

The NFL officials confirmed that the Patriots footballs were below the 12.5 PSI level (as were the Colts footballs, according to the gauge that the NFL determined was the more accurate). The Patriots footballs were pumped back up to above 12.5 PSI while the Colts were allowed to play with underinflated footballs for both the first and second halves of the game, which the Patriots won 45-7 en route to winning their fourth Super Bowl two weeks later.

After the AFC game, some NFL official leaked word that the Patriots were using underinflated balls and falsely claimed that the Colts footballs were properly inflated. That touched off a classic media frenzy with nearly everyone jumping to the conclusion that the Patriots and Brady were guilty. Indeed, nearly everyone acted as if they wanted Brady and the Patriots to be guilty.

But what has since been admitted is that none of the NFL officials involved understood the physics of a ball's air pressure in the cold and rain. The PSI drops naturally, according to the Ideal Gas Law, first articulated in 1834.

That means that if you somehow could go back in time to the famous Ice Bowl game of 1967 between the Green Bay Packers and the Dallas Cowboys and tested the balls used then, they also would have registered below 12.5 PSI – and, if you follow the NFL's current "logic," that would mean that quarterbacks Bart Starr and Don Meredith were cheaters.

After the NFL belatedly received a tutorial on the laws of physics, the league could have put an end to this nonsense, but by then rival NFL owners saw

an opportunity to damage the Patriots and enhance their own teams' chances to win a future Super Bowl. Many of these owners had suffered painful losses at the hands of the Patriots who have been a dominant team since Brady became a starter in 2001.

So, instead of dropping the whole silly business, Goodell and NFL executives set out to construct a case literally out of thin air. They hired a scientific consulting firm, Exponent, that is famous for providing scientific testimony to support rich corporate clients, including work for the tobacco industry disputing the dangers from second-hand smoke.

Although Exponent was willing to accept the dubious parameters provided by the NFL on how the halftime tests were done, the firm recognized that the Ideal Gas Law explained all or virtually all of the loss of PSI because of cold temperatures alone (without adequately factoring in the rain and the pre-game conditioning of the balls).

However, since Exponent left a small opening in saying that climate alone might not have accounted for all the PSI loss, the NFL exploited that theoretical possibility to argue that there was a chance that a slight amount of the PSI drop could have resulted from deliberate tampering. But there was no evidence that tampering actually occurred. The two equipment assistants involved denied doing anything, as did Brady under oath.

Urinal or Toilet?

So, struggling to make the case, the NFL lawyers noted that equipment employee Jim McNally stopped in a bathroom while carrying the ball bags to the field. McNally said he was simply relieving himself because he wouldn't have another chance until halftime, but the NFL made much of him saying he used a "urinal" when there was only a "toilet" in the bathroom, a kind of gotcha moment that underscores how weak the NFL's case was.

Since the Patriots voluntarily turned over to the NFL the cell phones of McNally and his immediate superior John Jastremski, the league's lawyers were able to take a few text messages out of context and make them seem incriminating, such as a back-and-forth discussion of how NFL officials had overinflated the footballs in an earlier game against the New York Jets.

But an objective reading of those text messages would have undercut the NFL's allegations, since neither McNally nor Jastremski made any reference to why they had failed to under-inflate the balls after they were filled with air by the officials. You would have expected Jastremski to chastise McNally for his failure to deflate the balls or for McNally to offer an excuse about why he

didn't, but that topic is never raised in the exchange.

In other words, the NFL lawyers were piling on with prejudicial but irrelevant information, trying to create the impression of a real investigation when they were simply carrying out the desires of rival NFL owners to rationalize punitive action against the Patriots and Brady.

Though Goodell rejected Brady's appeal, the commissioner acknowledged that the larger conspiracy theory about the Patriots routinely deflating balls was impossible because NFL officials routinely accompanied McNally or whoever was carrying the footballs down to the field. But Goodell noted that for the Jan. 18, 2015 game, McNally took the football bags to the field unattended, the only time that he did so.

However, what Goodell leaves out is the reason why McNally was not accompanied that one time: because the NFC Championship game had gone into overtime forcing a delay in the start of the AFC Championship game. When the NFC game ended suddenly, there was confusion in the officials' locker room amid a rush to get down to the field. McNally took matters into his own hands and carried the ball bags down to the field, stopping in the bathroom on the way.

While the NFL presented McNally's actions as highly suspicious, they actually undercut the Deflategate narrative. If, as Goodell acknowledges, this was the only time that McNally could have slightly deflated some footballs for whatever miniscule benefit that might have created, then that would mean that Brady and his co-conspirators anticipated that the NFC game would go into overtime, that it would delay the start of the AFC game, and that the sudden-death ending would cause confusion among the referees, allowing McNally to slip away, enter a bathroom and take a tiny amount of air out of the Patriots footballs.

To say that such a conspiracy theory is farfetched would be a compliment. It is beyond crazy. Yet that is what the NFL is alleging.

Belated Punishment?

Another piece of sophistry tossed into this storyline by NFL defenders is that, okay, Deflategate may have been a made-up scandal but the Patriots deserve the punishment because of the 2007 Spy-gate affair in which the Patriots were stripped of a first-round draft pick for videotaping an opponent's defensive signals during a game from an unauthorized location.

How this "rough justice" argument makes any sense is beyond me. First, the Patriots were punished for the unauthorized videotaping almost a decade ago. So, why should rival NFL owners manufacture a new scandal to add to the punishment? If they want to reopen the old case, then do so.

Secondly, Brady had nothing to do with the videotaping, so why should he be smeared as a perjurer and a cheat in Deflategate? Further, even Goodell admits that the Patriots management had nothing to do with Deflategate (even if there was anything to Deflategate). So this delayed punishment makes no sense at any level and surely not for Brady.

Another argument that I hear is, "oh, I'm tired of this story, why is Brady dragging it out," although some sportswriters have begun adding that Goodell is being "vindictive" in his Javert-like pursuit of Brady. Yet, both points are off-target, since Brady – if he is indeed innocent – has little choice but to defend his reputation and Goodell now appears less the mad prosecutor going to extremes to defend "the integrity of the game" than an over-paid errand boy frightened that he might lose his fat salary if he actually defended "the integrity of the game."

But perhaps the bigger question is why doesn't anyone look at what appears to be a scheme by 31 rival owners (or at least a powerful subset of them) to cheat. Do these rich men want to win so badly that they seek to increase their chances by smearing one of the best quarterbacks of all time and by keeping him sidelined for a quarter of the season?

And arguably, the cheating has already begun since the Patriots were denied a first-round draft pick in this year's draft and will lose a fourth-round draft pick next year.

If anyone really cared about "the integrity of the game," wouldn't they be investigating the scandal of the 31 cheating NFL owners?

[For more on this topic, see Consortiumnews.com's "[NFL's War against Facts and Reason](#)"; "[A Deflategate Slap-down of NFL, MSM](#)"; "[The Tom Brady Railroad](#)"; and "[Tom Brady and Theoretical Crime](#)."]

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](#)).
