

## **Sunday NFL Thoughts: Why Patriots QB Tom Brady isn't appealing ruling, ESPN's biased timeline, worst stories to piggyback DeflateGate**

*I'm dedicating this entire Sunday piece to the fallout of DeflateGate.*

1. New England Patriots quarterback Tom Brady will serve his 4-game suspension to start the 2016 season, but the NFL Players Association (NFLPA) is not done fighting. It's important to clarify what's actually happening.

Brady will not be asking the Supreme Court for a stay on the decision, which would temporarily lift his suspension until the Supreme Court made an ultimate decision on the case. The decision could range from not hearing the case at all (which is incredibly likely) to overturning the Second Circuit ruling (which isn't going to happen). Therefore, Brady will serve the suspension.

Why did he accept the suspension? Even though the Supreme Court is on summer recess, they can still analyze petitions (which is what Brady would submit) and determine whether or not to listen to them in the fall. But let's say the Supreme Court hypothetically granted a stay on his suspension and Brady played the first four games.

What happens next?

NFLPA files a petition for certiorari, due October 11th. The NFL will have 30 days to file a brief in opposition (BIO), which would be November 10th. The NFLPA would have 10 days to reply to the BIO, which bring us to November 20th. This doesn't factor in the extensions that can be requested.

This brings us to week 11 of the NFL season and then the Supreme Court can decide whether or not they want to listen to the NFLPA's appeal. Based on the fall schedule and the fact the court clerk has a *minimum* (not maximum) of 14 days after the BIO is filed to "distribute the petition" (rule 15.5), it's likely the earliest the petition would be heard would be early December.

And so if Brady's suspension is lifted for the start of the season, it could be put right back in place in December for the final four weeks of the season- or perhaps it could overlap with the playoffs.

The odds of Brady having his suspension overturned is almost nil, which is why it's best for Brady to eat the suspension at the start of the season, instead of risk having to sit out at the end of the year.

"This decision was made in the interest of certainty and planning for Tom prior to the New England Patriots season," the NFLPA wrote in their official statement. And it's true.

2. But since Brady is taking the suspension, the NFLPA is expected to move ahead with the case for the Supreme Court, according to ESPN's Adam Schefter. The NFLPA doesn't have to fear whether or not the suspension will be overturned and no longer have to worry about the timeline I presented in point #1.

3. "I am most frustrated that Tom was denied his right to a fair and impartial process," Patriots owner Robert Kraft wrote in his official statement. "The League's investigation into a football pressure matter was flawed and biased from the start, and has been discredited nearly unanimously by accredited academics and scientists."

"The penalty imposed by the NFL was unprecedented, unjust and unreasonable, especially given that no empirical or direct evidence of any kind showed Tom did anything to violate League rules prior to, during or after the 2015 AFC Championship Game. What Tom has had to endure throughout this 18-month ordeal has been, in my opinion, as far removed from due process as you could ever expect in this country.

"From day one, I have believed in Tom and given him my unwavering support in his pursuit to rightfully clear his name of any wrongdoing. That support extends throughout our organization and has only grown more steadfast as the preponderance of scientific evidence has exonerated Tom. Unfortunately, this stopped being about air pressure a long time ago."

And this is the complete truth. Brady stepping down from a potential appeal to the Supreme Court has nothing to do with whether or not anything happened to the footballs. This is about whether or not the NFL commissioner has sweeping power to interpret the Collective Bargaining Agreement (CBA) however he deems fit, and whether or not he can punish players without proof.

And he does. And he can.

4. ESPN gave an incredibly one-sided summary timeline of DeflateGate events. Here are the greatest hits:

4a. The timeline includes ESPN's Chris Mortensen false report of "11 of the 12 balls" without noting the report was wrong and served as the spark that caused the story to catch fire.

4b. There is no mention of the NFL preventing the Patriots from correcting the public discourse or the fact that an NFL employee was caught stealing footballs. It also doesn't clarify that the Colts initial suspicions from the November game make no sense because the Patriots weren't in control of the footballs that game.

4c. The timeline states that text messages "implicated Brady", even though the only texts that mentioned Brady included a desire to have the footballs within the allowed PSI range.

4d. The timeline notes that the Nobel laureate that supported Brady and the Patriots was "compensated by a drug company in which the Kraft Group is an investor," but doesn't mention that ESPN's ombudsman noted that the NFL was leaking information to ESPN.

4e. The timeline presents Second Circuit Judge Chin's statement of ball tampering being "compelling, if not overwhelming," as a personal opinion, instead of in line with the court's job of accepting the arbitrator's finding.

4f. There is no mention that the punishment was determined to be payback by the owners for the years of Patriots dominance and petty spats between new- and old-money owners, with an ESPN report calling the DeflateGate penalty a "makeup call."

5. The DeflateGate story created a cottage industry of peddling "Patriots cheating?!" stories because they were selling like hotcakes.

ESPN's story that said DeflateGate was a "makeup call" also noted that Roger Goodell asked former Rams head coach Mike Martz to cover up for the NFL during a Congressional investigation- but the editors buried that aspect of the story below

allegations that the Patriots had filmed sideline signals dating back to 2000, even though recording signals is not illegal.

Sports Illustrated released their infamous warm gatorade wordvomit, with an added question on *how the heck does Bill Belichick know which players on the opposing team didn't fly to New England?!* even though that information is widely reported.

Some schlub asked whether or not the Patriots were fumbling the ball at an impossible rate. CBS asked whether or not the Patriots were winning *coin flips* at an impossible rate.

*Former Ravens linebacker Ray Lewis said, "the only reason we know who Tom Brady is, because of a tuck rule." Former Jaguars quarterback Mark Brunell cried on television. ESPN stopped putting former Patriots linebacker Tedy Bruschi on air after he supported Brady and attributed stories to Patriots beat writer Mike Reiss without his permission.*

*Multiple outlets raised a question of whether or not the Patriots were circumventing the salary cap, even though both the NFL and NFLPA agreed that there was no violation in the Patriots sending their players to Brady's personal trainer.*

*It was easy for us at the Pulpit to sling barbs at these inane reports over the past year and a half (and, yes, we received a crazy boost in traffic, so thank you all), but any Mankey with a keyboard could get their 15 minutes of fame by trying to tarnish the Patriots and riding the DeflateGate wave.*

*6. The Patriots will have to stay afloat for four games without Brady. They will be fine over the course of the season even if they go 1-3, although they will likely have an uphill battle with a few road playoff games.*

*I'm excited to see how QB Jimmy Garoppolo plays in place of Brady because he's going to be traded this offseason and his value will be the result of his performance. A 4-0, or even a strong 3-1, start would likely yield the Patriots a 1st round pick.*

*Brady's suspension isn't the end of the world, but we have to understand the suspension for Brady can't be taken as a good thing. Brady is probably the difference between homefield advantage and the 3rd seed and the playoff seeds matter. A "rested Brady" is not worth jeopardizing the division crown, or having to travel to Pittsburgh or Denver or Indianapolis or Cincinnati in the playoffs.*

The Patriots have averaged a 3-1 start over the past decade so anything worse will be a step back from the team's quest for homefield advantage. Let's hope Jimmy G is up to the task.

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