

# The NFL made a rule to boost diversity in upper ranks. It's not what 'my father intended it to be'

 [cnn.com/2022/02/03/sport/nfl-brian-flores-lawsuit-rooney-rule/index.html](https://www.cnn.com/2022/02/03/sport/nfl-brian-flores-lawsuit-rooney-rule/index.html)

By Ray Sanchez, CNN

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Ex-NFL coach speaks out about 'humiliating' Bill Belichick text

In Brian Flores' discrimination lawsuit against the NFL, the fired Miami Dolphins coach spoke of the humiliation of being subjected to “a sham interview” appearing to give a Black candidate a legitimate chance at a head coaching job.

The son of the late Dan Rooney, the longtime Steelers chairman who championed a rule requiring teams to interview minority coaching and general manager candidates, said such humiliation moved his late father to seek change.

The regulation, adopted in 2003, is known as the Rooney Rule.

“Tony Dungy, who was the youngest and first African American defensive coordinator with the Steelers,” in the 1980s, “then wouldn't get job interviews or he wouldn't get picked,” said Jim Rooney, who wrote a book about his father's legacy.

Former Miami Dolphins coach Brian Flores sues NFL and 3 NFL teams alleging racial discrimination

“My father said many times he knew Tony was better than a lot of the people that ended up getting those (head coaching) jobs.”

Dungy would become the first African-American football coach to lift the Lombardi Trophy – nearly two decades after his stint with Pittsburgh ended – and one of the most successful in history.

Today, only one of 28 head coaches employed in the NFL is Black, with four teams officially without a head coach, in a league where roughly 70% of the players are Black. That lone coach is the Steelers' Mike Tomlin, who won the Super Bowl in 2009.

There are two other non-Black minority coaches – one of Puerto Rican and Mexican descent and one of Lebanese descent.

The Jacksonville Jaguars on Thursday made the first official head coach hire since Flores filed his lawsuit on Tuesday. The Jaguars announced the hiring of Doug Pederson, who led the Philadelphia Eagles to a Super Bowl victory in 2018. Pederson is White.

The NFL instituted the Rooney Rule in an effort to increase diversity among the head coaching, general manager and executive ranks. It requires every team to interview at least two external minority candidates for open head coaching positions, according to the league's football operations site.

### Read Brian Flores' racial discrimination lawsuit

"He would be frustrated," Jim Rooney said of his father and current efforts to diversify NFL coaching. "It's clear people are not using it as I think my father intended it to be."

A diversity committee headed by Dan Rooney initiated the Rooney Rule in 2003.

George Gojkovich/Getty Images

### **Flores 'really opened up a discussion'**

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Flores' federal lawsuit, filed in New York on the first day of Black History Month, alleges discrimination by the NFL, the New York Giants, the Denver Broncos and the Miami Dolphins organizations. The NFL and the three teams vehemently denied the allegations.

"I'm comparing it to the coaching equivalent of Colin Kaepernick taking a knee," said Richard Lapchick, the director of the Institute for Diversity and Ethics in Sport, referring to the former quarterback who captured the country's attention by kneeling during the national anthem during the 2016 NFL season in protest against police brutality.

"It was a dramatic and courageous act on his part because history would tell anybody that pays attention that it would be really unlikely he'll get a coaching job after that," Lapchick said of Flores.

"To have the guts to share the things he did really opened up a discussion that was already opened but now in a much more dramatic way. This an insider as opposed to someone from the outside talking about what needs to happen and what has happened."

Flores said he took legal action because "the need for change is bigger than my personal goals." The suit was filed just over a week after New England Patriots head coach Bill Belichick sent Flores an accidental congratulatory text message.

### Accidental Belichick text at center of coach's NFL discrimination lawsuit

The 40-year-old, who was born and raised in Brooklyn to Honduran parents, said in his lawsuit that the Giants interviewed him for their vacant head coaching job under disingenuous circumstances. Flores said he had found out three days before his interview that the Giants had already decided to hire Brian Daboll.

"Sorry – I f\*\*ked this up," Belichick answered when Flores sought clarification, according to screen grabs included in the lawsuit.

“I doubled checked & I misread the text. I think they are naming Daboll. I’m sorry about that. BB”

The lawsuit also claims that in 2019 Flores was subjected to another “sham interview,” this one with the Broncos. Flores said that “Broncos’ then-General Manager John Elway, President and Chief Executive Officer Joe Ellis and others showed up an hour late to the interview” and added that the team delegation “looked completely disheveled, and it was obvious that they had (been) drinking heavily the night before.”

Elway, in a statement, refuted the claims made by Flores as “false and defamatory.”

Flores’ lawsuit called the Rooney Rule a “well-intentioned failure.”

“The Rooney Rule is not working. It is not working because the numbers of Black Head Coaches, Coordinators and Quarterback Coaches are not even close to being reflective of the number of Black athletes on the field,” the lawsuit said.

“The Rooney Rule is also not working because management is not doing the interviews in good-faith, and it therefore creates a stigma that interviews of Black candidates are only being done to comply with the Rooney Rule rather than in recognition of the talents that the Black candidates possess.”

## **NFL, teams respond to allegations**

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The NFL this week said Flores’ allegations were without merit.

“The NFL and our clubs are deeply committed to ensuring equitable employment practices and continue to make progress in providing equitable opportunities throughout our organizations,” the league said in its statement.

“Diversity is core to everything we do, and there are few issues on which our clubs and our internal leadership team spend more time. We will defend against these claims, which are without merit.”

The Giants organization issued a statement standing by its process and its decision to hire Daboll.

“We interviewed an impressive and diverse group of candidates,” the team’s statement read. “The fact of the matter is, Brian Flores was in the conversation to be our head coach until the eleventh hour. Ultimately, we hired the individual we felt was most qualified to be our next head coach.”

On Thursday, the Giants, in a separate statement, said Flores was “irresponsible” in basing his allegation on a text exchange with Belichick, who “does not speak for and has no affiliation with the Giants.”

The Giants called Flores’ six-hour visit with the team an “open and thorough interview process” and added: “The specific claims against the Giants and Mr. Flores’ allegations about the legitimacy of his candidacy for our head coach position are disturbing and simply false.”

The Broncos also challenged Flores’ claims.

“Our process was thorough and fair to determine the most qualified candidate for our head coaching position,” the team’s statement said. “The Broncos will vigorously defend the integrity and values of our organization – and its employees – from such baseless and disparaging claims.”

In 2019, when the Broncos passed on Flores, the Dolphins hired him away from Belichick’s Patriots, where Flores was an assistant coach.

Flores led the team to a 24-25 record during his three-year tenure. Miami finished its 2021 campaign 9-8, their second straight winning season, but failed to make the playoffs. He was fired last month.

Here are some of the notable passages in Brian Flores' lawsuit against the NFL

Flores’ lawsuit said that during his tenure Dolphins owner Stephen Ross offered to pay him to purposely lose games in order to secure a higher pick in the NFL draft and encouraged him to violate league tampering rules. When he refused, Flores alleged, Ross led a campaign to treat him with “disdain and held out as someone who was noncompliant and difficult to work with.”

Ross, in a statement, said he took “great personal exception to these malicious attacks, and the truth must be known. His allegations are false, malicious and defamatory. “

Referring to reports that the NFL intends to investigate Flores’ claims, Ross said he would cooperate and was “eager to defend my personal integrity” from “baseless, unfair and disparaging claims.”

George Cunningham, a Texas A&M professor who has studied diversity in sport for more than than two decades, said Flores’ allegations are extraordinary even for a league long criticized for its dismal record on the hiring Black head coaches.

“You would not believe it if you saw it on Netflix. This doesn’t actually happen,” he said of Flores’ lawsuit.

**When Dan Rooney stepped in**

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Flores alleges in the suit that his interview with the Giants was a ruse so the team could “demonstrate falsely to League Commissioner Roger Goodell and the public at large that it was in compliance with the Rooney Rule.”

The NFL instituted the Rooney Rule about a year after attorneys Cyrus Mehri and the late Johnnie Cochran released a report – “Black Coaches in the National Football League: Superior Performance, Inferior Opportunities.” The report found that Black head coaches were the last hired and the first fired. It also found that too few of them were involved in the interview process. The attorneys threatened to sue.

“In case after case, NFL owners have shown more interest in – and patience with – white coaches who don’t win than black coaches who do,” the report said.

The report was prompted by the 2002 firing of two Black head coaches: Dennis Green of the Minnesota Vikings; and Dungy, who was let go after leading the Tampa Bay Buccaneers to the playoffs four times.

The NFL is down to a single Black head coach after it pledged to do better with diversity

The NFL responded by forming a diversity committee headed by Dan Rooney and the initiative that came from it became known as the Rooney Rule.

Rooney, in nearly eight decades with the Steelers, led them to six Super Bowl titles. He hired Bill Nunn, a Black man, as a scout. A sports journalist, Nunn help build the Steelers’ dynasty of the 1970s in part by drafting players from long overlooked historically black colleges.

Rooney brought on Black assistant coaches such as Dungy. And he owned the Steelers when they hired Tomlin in 2007 – the first Black head coach in team history. Tomlin was not the team’s top choice but reportedly got the job after strong interviews with Rooney and other team officials.

Tomlin was hired the same year the Super Bowl featured two Black head coaches – Chicago Bears coach Lovie Smith and Dungy, then with the Indianapolis Colts.

Jim Rooney recalled this week how watching Dungy’s struggle to become a head coach moved his father to push for the adoption of the Rooney Rule.

“The conversations with Tony Dungy, the experiences he had with seeing Tony being humiliated, really drove my father to try and do something,” Jim Rooney said.

“Whether the rule is the right answer or not, or whether we need to do more, I think we should be considering those questions. But the experience of having someone you respect, under your own leadership, be humiliated, made a real difference to my father.”

Dungy, now a TV football analyst, this week addressed Flores’ lawsuit via Twitter.

“One year ago I wrote a letter to NFL owners saying the NFL had a problem only they could solve,” Dungy wrote, referring to minority hiring.

“Not a lot has changed. Brian Flores’ suit shows the frustration many black coaches have. It could be just the tip of the iceberg. Something has to change!”

## **NFL needs ‘to come down hard’ on violators**

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Flores told CNN his three children are part of the reason he filed the lawsuit. “When I look at them, I don’t want them to go through some of the things I have had to go through,” he said.

“It was humiliating, to be quite honest,” Flores said, referring to what he called a “sham” interview for the Giants head coaching job. “There was disbelief. There was anger.”

In a statement, Fritz Pollard Alliance – a watchdog group that, together with the NFL, determines whether a team’s interview process is legitimate – said this week it was standing with Flores. The alliance is named after Pollard, who in 1921 became the first African American head coach in NFL history with the Akron Pros of the American Professional Football Association.

“Brian Flores’ lawsuit is just the latest, dramatic call to action for the NFL and its team owners,” the statement said.

### How 'The Kaepernick Effect' has propelled a new generation of athletes to take a stand against racial injustice

“Men and women of color in the NFL community have long known that the odds of advancing in the coaching ranks and in the front office are stacked against them. The Fritz Pollard Alliance supports Coach Flores and others in their effort to level the playing field for men and women of color.”

N. Jeremi Duru, a professor at American University Washington College of Law and a former counsel to the alliance, said only one NFL team – the Detroit Lions in 2003 – has been reprimanded and fined \$200,000 for conduct detrimental to the league for violating the Rooney Rule. At the time, the NFL said the next violator would be fined \$500,000.

“What needs to be changed with respect to the Rooney Rule is not the rule, but owners’ compliance with the rule and the league’s willingness to come down hard on owners when they violate the rule,” he said.

“The rule and the concept behind the rule are, in my view, strong. Compliance with the rule is, in my view, sorely lacking and that’s where the disconnect is and that’s what led to this lawsuit.”

Duru said he hoped the lawsuit leads to a stronger Rooney Rule “with severe and stated punishments for violation.”

Jim Rooney believes his late father would agree.

“I think somewhere you need to figure out some type of stronger enforcement mechanisms ... where people understand there’s some type of consequence for not following the rule.”