

Carlos Cordeiro's Inadequate Apology Reinforces a Debilitating Lack of Judgment, Candor, and Awareness

By Michael Winograd March 12, 2020

Three days ago, in the throws of the SheBelieves Cup, the U.S. Soccer Federation filed a brief in the equal pay lawsuit against it. Just two days earlier, Carlos Cordeiro lobbed a grenade of veiled insults and accusations aimed at the Women's National Team. Equally concerning as the substance of Cordeiro's open letter was its distracting timing — it was issued while the Women's National Team was in camp preparing for a SheBelieves Cup game the next day. It begged the question of whether the letter was the bi-product of a President out of synch with the pulse of US Soccer and/or a stunning lack of judgment (or worse). The Federation's subsequent brief raised those same questions. But it went even a step further.

According to the brief, women National Team members don't deserve equal pay as men National Team members because, as a matter of "indisputable science," women are not equal to men in soccer. The women National Team players are "different employees who perform a different job" than their male counterparts. Not only are the women less "able" than the men, but allegedly the men compete in a deeper pool of competition; have a larger "responsibility" because of greater prize money and larger TV audiences; and have tougher working conditions because of more hostile crowds. The brief even argues that the Federation is not a single establishment; it apparently is a different entity for men and women.

Stunning. How did it come to this? The Federation's brief employed a scattershot strategy. It threw every argument the Federation's lawyers could think of at the wall in the hopes that at least one would stick and stave off summary judgment (a pre-trial opportunity for the Court to award victory to one side). As a legal matter, the Federation's arguments are replete with non-sequiturs and mischaracterizations of the limited actual caselaw they rely on. But either way, at their core, the arguments are vile and detrimental. And that should have been obvious at the outset. For lawyers and clients alike, judgment plays a crucial role in formulating strategy and determining which arguments to make in a lawsuit. Here, Cordeiro either was asleep at the wheel or his judgment was completely lacking. Neither answer is a good one.

The resulting arguments in the Federation's brief (and supporting declarations) reveal a President content to twist his past statements on "equality" and a Federation prepared to demean and denigrate women's soccer and the millions of people who play and support it in the hopes of staving off defeat in a lawsuit. The potential damage to this and younger generations is immeasurable. At the very least, the arguments reflect an inexcusable lack of judgment; a viewpoint that unnervingly harkens back to dark days in the history of this country and others; and a President in conflict with his organization's very mission and tone deaf to the sentiment of his constituents and the public at large. For all its efforts to win at all costs, at this point, there can be no victory for the Federation no matter how the lawsuit turns out.

To add insult to injury, the Federation filed its shattering arguments in the middle of the SheBelieves Cup, a tournament that by the Federation's own account is "a movement to encourage young women and girls to reach their dreams. . . , taking a powerful message of empowerment and that of believing in yourself into communities across the nation." The

Federation proclaims that, “[i]n a culture where young girls are often influenced by outdated gender norms, it is the mission of SheBelieves to empower girls to reach their dreams. . . ., a permanent movement that can impact millions, because when girls and women succeed, we all succeed. Join us by using #shebelieves or #shebelievescup to broaden the awareness of this campaign that impacts every young girl and woman with a dream around the globe.”

Apparently that was all just lip service. The Federation’s brief stands for just the opposite. In fact, to round things out, the brief takes a direct shot at the SheBelieves Cup, noting that the men’s Confederations Cup is “simply more prestigious.” The thought that US Soccer, a non-profit organization charged with promoting soccer in the US amongst men and women equally would ever make any of these arguments in the first place is frightening.

Cordeiro has now apologized. But his apology falls short and actually reinforces the problem. Cordeiro only apologizes for the “language” in the filing. But it is the arguments themselves that are so offensive, not just the words the Federation chose to make them. He should apologize for the substance of what his brief said as well. And at the very least, the Federation should file an amended brief that deletes entirely the sections of the brief that make these insidious arguments — most notably Sections II.A-D.

In addition, Cordeiro’s insinuation that this was all the lawyers’ fault is also troubling. He is the client. He is the President of US Soccer. If he was asleep at the wheel during a high profile, defining case, that is problematic. Regardless, his public passing of the buck speaks volumes about his presidential leadership qualities. But the facts show his feigned lack of involvement is disingenuous. Cordeiro has been front and center in this case. He personally sent an open letter on the subject just days before the court filing (in addition to one he sent in July). And long before that he was deposed, for which he presumably was prepared on case strategy. He played right along. When confronted in his deposition with his promises “to work for equal pay” for the women, he testified that what he actually meant by that was that he would work towards giving the women “equal opportunity” to play in “as many competitive matches” as the men do. His facts are wrong. But worse, his newfound interpretation of his own prior unambiguous statements strains credulity. And that is just from the snippets of testimony filed by the Federation’s own lawyers.

Two years ago, one of the three key strategic initiatives of my campaign was to ensure that women’s soccer is treated equally in all respects. I made clear then, and again over the summer through Grant Wahl’s article (<https://www.si.com/soccer/2019/08/22/us-soccer-uswnt-equal-pay-presidential-candidates>), that had I been President, I would have ensured full equality, including equal pay, on day one. As I have said repeatedly, my starting point would have been to annually determine a target budget for national team pay and then apply the same principles to allocate that pool of money amongst players, regardless of gender.

It is bad enough that two years, millions of dollars in legal fees, and any good will that may have existed later, we are no closer to equality than we were during the campaign. The fact that the Federation has now made matters worse and even caused potentially immeasurable damage in its wake should be the last straw. The Federation needs new leadership.

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