

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

October 21, 2021

Mr. Roger Goodell
Commissioner
National Football League, Inc.
345 Park Avenue
New York, NY 10154

Dear Mr. Goodell:

We write to request documents and information concerning the Washington Football Team's (WFT) hostile workplace culture and the National Football League's (NFL) investigation into this matter.

The allegations that prompted the NFL's year-long investigation were alarming: rampant sexual harassment, a culture of verbal abuse, and surreptitious recording of female employees undressing.¹ In response to the mounting public allegations, in July 2020, WFT owner Dan Snyder retained a prominent attorney and former federal prosecutor, Beth Wilkinson, to conduct an "independent" investigation into the WFT's workplace culture. As part of her investigation, Ms. Wilkinson reportedly began raising questions about a 2009 sexual misconduct allegation against Mr. Snyder that had resulted in a \$1.6 million confidential settlement.² On August 26, 2020, *The Washington Post* revealed additional allegations, including that in 2008, WFT employees were instructed to make a video containing lewd outtakes of a WFT cheerleader photo shoot for the personal enjoyment of Mr. Snyder and other executives.³ Five days later, on August 31, 2020, Mr. Snyder requested that the NFL "assume full oversight of [Ms. Wilkinson's] investigation."⁴

¹ *Report: Former WFT Employees Say Team Offered Money for Public Silence About Workplace*, Sports Illustrated (Oct. 13, 2021) (online at www.si.com/nfl/2021/10/13/former-employees-washington-football-team-offered-money-silence-harassment).

² *Former Washington Football Team Lawyer Urged Documents Related to Claim Against Daniel Snyder Destroyed*, Washington Post (Sept. 8, 2021) (online at www.washingtonpost.com/sports/2021/09/08/wft-beth-wilkinson-lawsuit-documents/).

³ *Lewd Cheerleader Videos, Sexist Rules: Ex-employees Decry Washington's NFL Team Workplace*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/?itid=lk_inline_manual_8).

⁴ *NFL Takes over Investigation into Sexual Harassment Allegations Within Washington Football Team*, ESPN (Aug. 31, 2020) (online at www.espn.com/nfl/story/_/id/29782523/source-nfl-takes-investigation-sexual-harassment-allegations-washington-football-team).

As part of her investigation, Ms. Wilkinson reportedly interviewed more than 150 people and collected 650,000 emails and other documents.⁵ However, unlike in other high-profile NFL probes, the NFL reportedly directed Ms. Wilkinson to provide her report and findings orally, rather than in writing.⁶

According to public reports, months before the investigation concluded, in February 2021, the WFT tried to silence former female employees by offering to pay them in exchange for executed non-disclosure agreements.⁷

On July 1, 2021, the NFL announced the outcome of the WFT investigation in a press release, which described vague and conclusory findings, including that “the workplace environment ... particularly for women, was highly unprofessional,” that “[b]ullying and intimidation frequently took place,” and that “senior executives engaged in inappropriate conduct themselves.” Mr. Snyder admitted responsibility, and the NFL assessed a \$10 million fine against the team.⁸ It appears that the NFL took no additional action against Mr. Snyder, whom the NFL has recently approved to buy out his minority partners and gain full control of the WFT.⁹ The NFL has since stated that it will not disclose the full results of the investigation, including any underlying documents.¹⁰

The Wall Street Journal recently reported that the WFT probe raised issues beyond the scope of the original investigation.¹¹ Leaked emails obtained during the course of the

⁵ “Outrageous”: *Washington, NFL Called on to Release More than Jon Gruden Emails*, Sports Illustrated (Oct. 13, 2021) (online at www.si.com/nfl/washingtonfootball/news/outrageous-washington-football-team-called-on-to-release-jon-gruden-emails-scandal-news); National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at <https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx>)

⁶ *Former Washington Football Team Lawyer Urged Documents Related to Claim Against Daniel Snyder Destroyed*, Washington Post (Sept. 8, 2021) (online at www.washingtonpost.com/sports/2021/09/08/wft-beth-wilkinson-la-wsuit-documents/).

⁷ *Report: Former WFT Employees Say Team Offered Money for Public Silence About Workplace*, Sports Illustrated (Oct. 13, 2021) (online at www.si.com/nfl/2021/10/13/former-employees-washington-football-team-offered-money-silence-harassment); *NFL Fines Washington Football Team \$10 Million; Tanya Snyder to Run Operations for Now*, Washington Post (Oct. 7, 2021) (online at www.washingtonpost.com/sports/2021/07/01/daniel-snyder-nfl-fine-sexual-harassment-investigation/).

⁸ National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at <https://nflcommunications.com/Pages/NFL-ANNOUNCES-OUTCOME-OF-WASHINGTON-FOOTBALL-TEAM-WORKPLACE-REVIEW.aspx>).

⁹ *Report: Daniel Snyder Gains Complete Control of Washington Football Team*, Sports Illustrated (Mar. 31, 2021) (online at www.si.com/nfl/2021/03/31/daniel-snyder-gains-complete-control-washington-football-team).

¹⁰ *NFL Won't Release More from WFT Investigation Despite Anger over Offensive Emails*, Washington Post (Oct. 12, 2021) (online at www.washingtonpost.com/sports/2021/10/12/nfl-wft-investigation-jon-gruden-emails/).

¹¹ *Jon Gruden Used Racial Trope to Describe NFLPA Chief DeMaurice Smith in 2011 Email*, Wall Street Journal (Oct. 8, 2021) (online at www.wsj.com/articles/jon-gruden-email-demaurence-smith-11633721045?mod=article_inline).

investigation exposed salacious exchanges between former head coach of the Las Vegas Raiders Jon Gruden and then-WFT general manager and president Bruce Allen, including emails featuring images of topless WFT cheerleaders and other women.¹² Mr. Allen was fired in December 2019 for unrelated reasons, and Mr. Gruden resigned on October 11, 2021, after the leaked emails revealed his repeated use of slurs and other derogatory language.¹³

According to reports, the NFL launched a separate investigation into other troubling emails uncovered during the WFT inquiry.¹⁴ As part of this effort, the NFL obtained a series of emails between Mr. Allen and the NFL's general counsel, Jeff Pash, showing that Mr. Pash routinely discussed sensitive information with Mr. Allen, rescinded league-sanctioned fines for rule violations, and received perks because of their close relationship. In a 2018 email sent following public reports that WFT team cheerleaders were flown to Costa Rica for an event, made to pose topless for a photo shoot, and assigned as personal escorts to male team sponsors and suite holders, Mr. Pash reassured Mr. Allen, stating, "I know that you are on it and would not condone something untoward."¹⁵

In addition to his role in overseeing the original WFT investigation, Mr. Pash reportedly participated in the NFL's separate investigation into the unsavory emails collected by Ms. Wilkinson, though the extent of his involvement is unclear.¹⁶

We have serious concerns about what appears to be widespread abusive workplace conduct at the WFT and about the NFL's handling of this matter. Communications between league management and WFT leadership also raise questions about the league's asserted impartiality in these investigations. In addition, we are deeply troubled by the reported use of non-disclosure agreements to potentially conceal inappropriate behavior, including conduct that is prohibited by federal laws such as Title VII of the Civil Rights Act.

The NFL has one of the most prominent platforms in America, and its decisions can have national implications.¹⁷ The NFL's lack of transparency about the problems it recently

¹² *Jon Gruden Emails, Explained: Raiders Coach Resigns Following Release of Damning Messages*, Sporting News (Oct. 13, 2021) (online at www.sportingnews.com/us/nfl/news/jon-gruden-emails-resigns-raiders-coach/1f7nbdnxcjatlmomv1xkg9bpp).

¹³ *Bruce Allen Fired as Redskins Team President After 10 Seasons with the Franchise*, Washington Post (Dec. 30, 2019) (online at www.washingtonpost.com/sports/2019/12/30/bruce-allen-fired-by-redskins/); *Gruden Resigns as Las Vegas Raiders Head Coach After Report of Anti-gay, Misogynistic Language Used in Emails*, ESPN (Oct. 11, 2021) (online at www.espn.com/nfl/story/_/id/32384058/jon-gruden-resigns-las-vegas-raiders-head-coach).

¹⁴ *NFL General Counsel Surfaces in Email Scandal That Led to Jon Gruden's Resignation*, Wall Street Journal (Oct. 14, 2021) (online at www.wsj.com/articles/jeff-pash-gruden-emails-nfl-11634261607).

¹⁵ *NFL's Top Lawyer Had a Cozy Relationship with Washington Team President*, New York Times (Oct. 14, 2021) (online at www.nytimes.com/2021/10/14/sports/football/nfl-washington-emails-jeff-pash.html).

¹⁶ *Id.*

¹⁷ *See, e.g., Committee on Oversight and Government Reform, Hearing on HGH Testing in the NFL: Is the Science Ready?*, 112th Cong. (Dec. 12, 2012) (online at <https://republicans-oversight.house.gov/hearing/hgh-testing-in-the-nfl-is-the-science-ready/>); Committee on Oversight and Government Reform, *Press Release: Issa, Cummings Warn NFLPA That Players May Be Called Before Committee* (Jan. 28, 2013) (online at

uncovered raise questions about the seriousness with which it has addressed bigotry, racism, sexism, and homophobia—setting troubling precedent for other workplaces. The Committee is seeking to fully understand this workplace conduct and the league’s response, which will help inform legislative efforts to address toxic work environments and workplace investigation processes; strengthen protections for women in the workplace; and address the use of non-disclosure agreements to prevent the disclosure of unlawful employment practices, including sexual harassment. We hope and trust that the NFL shares the Committee’s goal of protecting American workers from harassment and discrimination.

To assist us in our review of this matter, please produce the following documents by November 4, 2021:

1. All documents and communications obtained in connection with the investigation into the WFT, its management, its owners, and any other matter relating to or resulting from the WFT investigation;
2. All reports or findings made in connection with investigations into the WFT, including but not limited to semi-annual reports from the WFT, and all documents and notes referring or relating to any oral reports and findings; and
3. All NFL policies and procedures referring or relating to the use of confidentiality and non-disclosure agreements by the NFL and its teams.

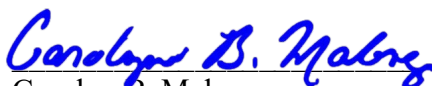
The Committee also requests answers to the following questions by November 4, 2021:

1. What reasons did the WFT provide for requesting that the NFL assume “full oversight” over Ms. Wilkinson’s investigation, and why did the NFL agree to assume this role?
2. Please describe in detail the NFL’s role in overseeing Ms. Wilkinson’s investigation, and what changes, if any, were implemented as a result of the NFL’s role.
3. Please describe in detail Mr. Pash’s role in the investigations described in this letter, if any.
4. Please provide a list of all NFL employees who were involved in overseeing Ms. Wilkinson’s investigation, including their names and job titles, and describe in detail each of their roles.

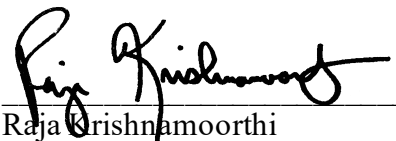
5. How often did the NFL communicate with Ms. Wilkinson or members of her team during the investigation, and how did these communications occur (e.g., by phone, email, or in person)?
6. Who directed Ms. Wilkinson to provide the NFL oral reports and investigative findings, rather than written reports and investigative findings, and why? Please provide a list of all meetings or briefings at which Ms. Wilkinson or any member of her team provided final or preliminary findings, interim reports, or read-outs to the NFL, the dates that they occurred, and all participants.
7. Please confirm the number of confidentiality and non-disclosure agreements reported to the NFL, or entered into by the NFL, from January 1, 2016, through the present, including the names of the teams involved, dates of the agreements, and whether the agreements resulted from allegations of discrimination and retaliation.
8. What actions has the NFL taken, if any, regarding the use of confidentiality and non-disclosure agreements in matters related to workplace abuses since January 1, 2016?

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Raja Krishnamoorthi
Chairman
Subcommittee on Economic and
Consumer Policy

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Michael Cloud, Ranking Member
Subcommittee on Economic and Consumer Policy

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.